

Idaho Dept of Water Resources

Calim No. 63-17246B

T03N, R01E, S 24

Prepared by: Sue Bock

Date: 06/17/2002

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



0 0.06 0.12 Miles



1987 NAPP



Ditch as it comes into property.
Photo taken facing N. Water at this
point is mingled with New York Irr
water.



POU looking N. Claimant owns land to
the end of white fence. Area to the S was
not irrigated at time of exam, however has
been irrigated in the past and shows
irrigated on the 1987 NAPP



POU facing south towards the house. This
area did have irrigation line in place at time
of exam.

9:00 AM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam *see A File*
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) Stephen Marilyn Grace 63-1724BOwner: _____ Phone No. 362-6726Current Address: Same as Accord?

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: Stephen Grace**✓ PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Told claimant priority date information needed

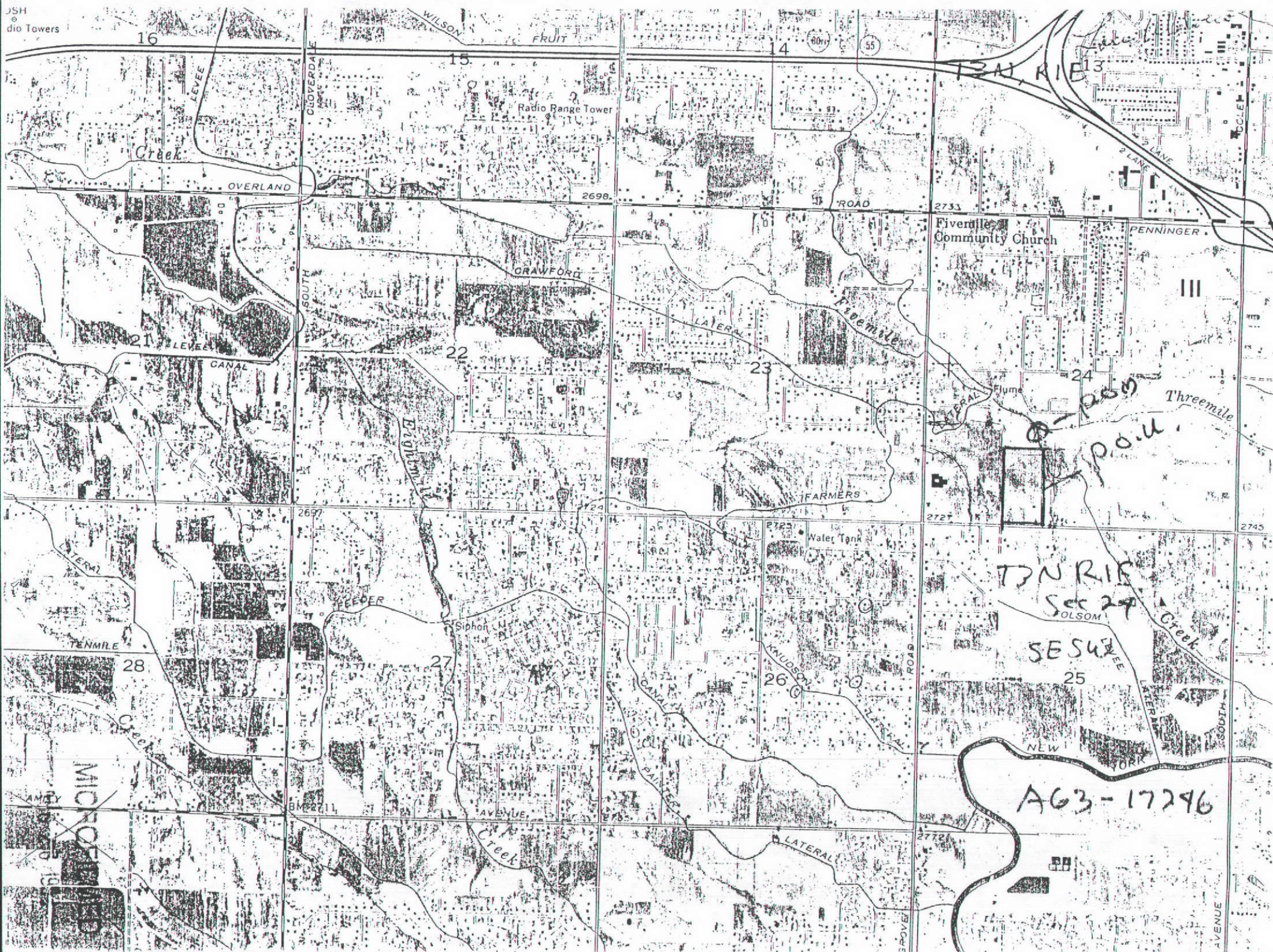
Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

✓ POINT OF DIVERSION P.O.D different than "A" when did change occur?

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

AS claimed additional pod used in 1980
because of subdivision



2006 AUG 16 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS, 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	) Subcase 63-17246B
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
_____	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

MARILYN A & STEPHEN J GRACE

Represented by:
MICHAEL P TRIBE
MICHAEL P. TRIBE
615 H STREET
PO BOX 396
RUPERT, ID 83350-0396
Phone: 208-436-4717

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

MARILYN A GRACE

STEPHEN J GRACE
8440 W VICTORY RD
BOISE, ID 83709
Phone: 208-362-6726



RECEIVED

JUN 26 2006

DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

) A. Subcase No. 63-17246B
)
)
)
)
)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Marilyn A. Grace
Stephen J. Grace
Address: 8440 W. Victory Road
Boise, Idaho 83709
Daytime Phone: (208) 362-6726

Name & Address of Attorney, if any:
Attorney Name: Michael P. Tribe
Ling, Robinson & Walker
Address: P. O. Box 396
Rupert, Idaho 83350
Phone Number: (208) 436-4717

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, Idaho 83709

D. I am responding to the objections to the following elements. (Please check the appropriate box(es).)

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation:
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Minidoka)

Michael P. Tribe, duly sworn, upon oath, deposes and says:

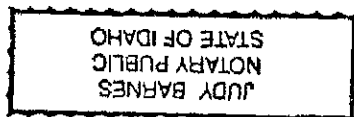
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §42-1401A(1) and (6), or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

(Signature of person filing response)

Michael P. Tribe
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 22, 2006



Judy Barnes
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2011

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I hereby certify that on June 22nd, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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 claimant of the water right at the following address:

Name Marilyn A. Grace and Stephen J. Grace
Address: 8440 W. Victory Road
Boise, Idaho 83709

3. One copy to the party who filed the objection at the following address:

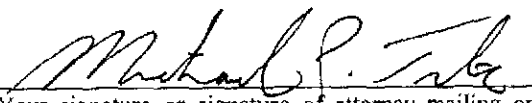
Name: New York Irrigation District
Address: 6616 Overland Road
Boise, Idaho 83709

4. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83724


Your signature or signature of attorney mailing on
your 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 SRBA

Case No. 39576

A. Subcase 63-17246B

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director, PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

10. **Recommendation**

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss.
County of Ada)

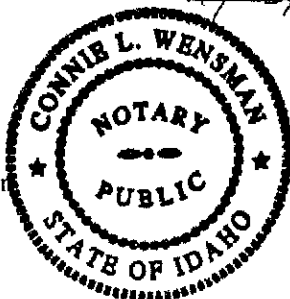
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Current Owner:

Name: Marilyn & Stephen Grace
Address: 8440 W. Victory Road
Boise, ID 83713

3. One copy to the party who filed the objection at the following address:

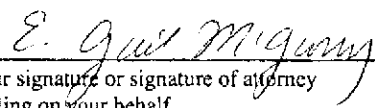
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your 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 SRBA) A. Subcase 63-17246B
(Insert water right number)
Case No. 39576) STANDARD FORM 1
OBJECTION

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

Name: Marilyn A. Grace
Stephen J. Grace
Address: 8440 W. Victory Road
Boise, ID 83713

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

1. ☐ **Name and Address**
Should be: _____

2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.

Objection-1

3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

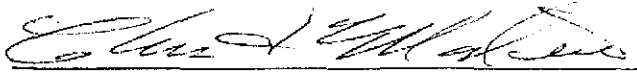
There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

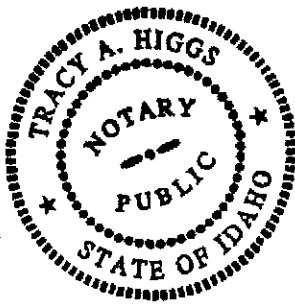
Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 21st, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Current Owner:

Name: Marilyn A. Grace
Stephen J. Grace
Address: 8440 W. Victory Road
Boise, ID 83713

Original Owner:

Name: Jessie Acorda
Address: 8440 W. Victory Rd.
Boise, ID 83709

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


McDEVITT & MILLER LLP

06/18/2002

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

RIGHT NUMBER: 63-17246B

NAME AND ADDRESS: STEPHEN J GRACE
8440 W VICTORY RD
BOISE ID 83709

MARILYN A GRACE
8440 W VICTORY RD
BOISE ID 83709

SOURCE: FIVEMILE CREEK

TRIBUTARY: FIFTEENMILE CREEK

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/15/1922

POINT OF DIVERSION:

T03N R01E S24 SESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	03/01 11/15	0.020 CFS
IRRIGATION	03/01 11/15	0.050 CFS

PLACE OF USE: STOCKWATER Within ADA County

T03N R01E S24 SESW

IRRIGATION Within ADA County

T03N R01E S24 SESW 2.5

2.5 ACRES TOTAL

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

STOCKWATER USE IS FOR 7 HORSES OR RANGE CATTLE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK
IRRIGATION DISTRICT.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Dept of Water Resources

Calim No. 63-17246B

T03N, R01E, S 24

Prepared by: Sue Bock

Date: 06/17/2002

- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines



0 0.06 0.12 Miles



1987 NAPP

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-17246B V1

WATER RIGHT NUMBER: 63-17246B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN J GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Current Owner	MARILYN A GRACE 8440 W VICTORY RD BOISE, ID 83709 (208)362-6726
Original Owner	JESSIE ACORDA 8440 W VICTORY BOISE, ID 83709 (208)362-1778

Priority Date: 03/15/1922

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	FIFTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	03/01 to 11/15	0.020 CFS	
IRRIGATION	03/01 to 11/15	0.050 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK	SE1/4SW1/4	Sec. 24, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24												X					

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	24												2.5					2.5

Total Acres: 2.5

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-17246B V1

Conditions of Approval:

1. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NEW YORK IRRIGATION DISTRICT.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. General STOCKWATER USE IS FOR 7 HORSES OR RANGE CATTLE.

Comments:

1. sbock 6/17/2002 FIELD EXAM

Comment: No measurements were obtained as the water created a back flow in the ditch, therefore no open channel or mannings reading could be obtained.

2. sbock 8/27/2002 priority date

Comment: Claimant provided 3 affidavits from Jessie Acordas brothers and sister. This also serves as the evidence for the A file.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/17/2002 12:54:57 PM	sbock			Active
POU	6/17/2002 1:13:00 PM	sbock			Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-17246B V1

Use	6/17/2002 1:13:28 PM	sbock		Active
Summary			06/17/2002	sbock Active
POD	6/17/2002 1:19:34 PM	sbock		Active
Season	6/17/2002 1:19:35 PM	sbock		Active
Source	6/17/2002 1:19:35 PM	sbock		Active
Quantity	6/17/2002 1:19:36 PM	sbock		Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	6/17/2002 12:55:15 PM	sbock	Edited point location
Priority Date	6/17/2002 12:54:58 PM	sbock	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 13. Has additional evidence of priority date been submitted? (Yes) 15. Is the basis of claim coded correctly?
Use	6/17/2002 1:13:28 PM	sbock	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Summary	6/17/2002 1:17:27 PM	sbock	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required?
POU	6/17/2002 1:12:06 PM	sbock	Edited shape boundary
POU	6/17/2002 1:13:00 PM	sbock	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam on 6/12/02

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-17246B V1

POD	6/17/2002 1:19:34 PM	sbock	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - pod was changed to current location at least by 1980 according to claimants. They do not know why Acorda filed it in location that she did.
Source	6/17/2002 1:19:35 PM	sbock	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
Season	6/17/2002 1:19:36 PM	sbock	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	6/17/2002 1:19:36 PM	sbock	(No) 1. Is the basis of this claim a Decree or License?

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Marilyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

We, Stephen & Marilyn Grace being first duly sworn,

deposes and says: That from the Priority Date of March 15, 1922 Thru June 01, 1963 Thru July 31, 1998 Thru Todays Date of August 28, 2002. That this property and water rights have been used for growing crops, and for the raising of farm animals such as sheep, cows, and horses from the date of March 15, 1922 Thru to Todays Date of August 28, 2002.

This Adjudication Claim No(S): (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

Edward F. Asparto
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20 ____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

AFFIDAVIT

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Marilyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

RECEIVED

AUG 27 2002

WATER RESOURCES
WESTERN REGION

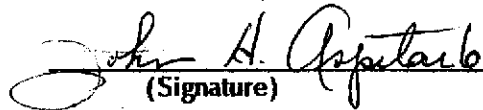
County of ADA)

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(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

AFFIDAVIT

RECEIVED

AUG 27 2002

WATER RES.
WESTERN RECORD

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
Jessie Acorda & Stephen & Mairlyn Grace)
Idaho Department Of Water Resources)
A63-17246A & A63-17246B)
State of Idaho)

County of ADA)

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This Adjudication Claim No(S).: (#AJ0749NP) have been used consistently , thru these years for the irrigation of crops and for the stockwater of many types of animals, and lawn & garden.

Please accept this information, not only from the current owners but also from the (2) brothers and one Sister still here in Boise , Id.

Gloria Trubble
(Signature)

Subscribed and sworn to before me this

day _____ of _____, 20____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

AJ5809NP
No. A63-17246B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/27/01
PAGE: 106

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C STEPHEN J GRACE 03/15/1922 IRRIGATION 03-15 11-15 0.050 CFS

C MARILYN A GRACE 03-15 11-15 0.020 CFS

8440 W VICTORY RD / Coler Maple Grove N. Side of Side. TOTAL DIVERSION: 0.070 CFS

BOISE ID 83709

(208) 362-6726

Water Source: FIVE MILE CREEK

Tributary to: FIFTEEN MILE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T03N R01E S24 SESW

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03N	01E	24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	2.5
TOTAL ACRES																			2.5	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
03N	01E	24	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: ADA

Non-Irrigation Uses: STOCKWATER, 7 HORSES OR RANGE CATTLE

Other Rights: NEW YORK IRRIG.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-17247 63-17808 63-19664 63-30143 A63-17247 A63-17808 A63-19664 A63-30143

Other Water Rights Listing Overlapping Place(s) of Use:

A63-17246 A63-17246A

Remarks: GEN NOTE: CLAIMANT PURCHASED 2.51 ACRES. (PER CLAIMANT 9/14/98).
1/12/99 AMENDMENT: ORIGINAL CLAIM INCORRECTLY LISTED WRONG
P/D LEGAL.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/15/98 DBUFFING 01/12/99 LGRAVES

C18
W
New York water

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-17246 B Date: 3-14-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	24												25					2.5
GIS															17.5					17.5
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 2.5

Total GIS Acres: 17.5

Overlapping POU Claim #'s:

COMMENTS:

can't tell what part of original acres this claimant purchased,
also don't know if this change in POD legal applies to
63-17246 A also.

Original was 20 acres the spot carved out on S.E.
is this 2.5 acre piece

ROSHOLT, ROBERTSON & TUCKER

Chartered

ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

JAN 15 1999

WATER RESOURCES
WESTERN REGION

January 14, 1999

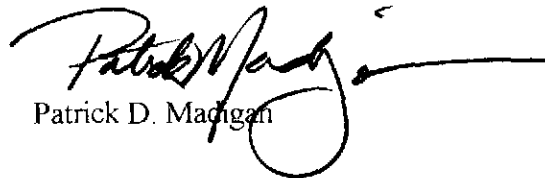
Lori Graves
IDWR Western Regional Office
2735 Airport Way
Boise, ID 83705

Re: *Basin 63 Water Right Claim*
Stephen and Marilyn Grace
No. A63-17246B

Dear Lori:

Here is the Graces' amended notice of claim for A63-17246B. Thanks for your assistance in this matter.

Sincerely,



Patrick D. Madigan

PDM:jtb
Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Stephen J Grace
Marilyn A Grace
8440 W Victory Rd
Boise ID 83709

Re: Original Notice of Claim to a Water Right No. A63-17246

Renumbered Notice of Claim to a Water Right No. A63-17246B

Dear Mr. & Mrs. Grace:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time. You will be notified of any future action taken on this claim.

The remaining portion will remain in the name of Jesse Acorda. We are unable to change that information without further documentation from First Security Bank, indicating that the bank is the current owner of the property.

Thank you for your patience in bringing this to our attention. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

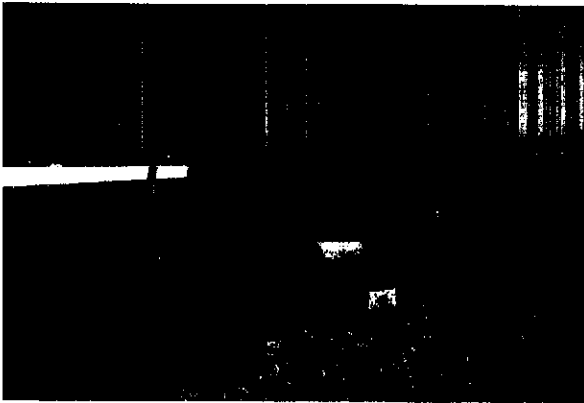
Denise Buffington
Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

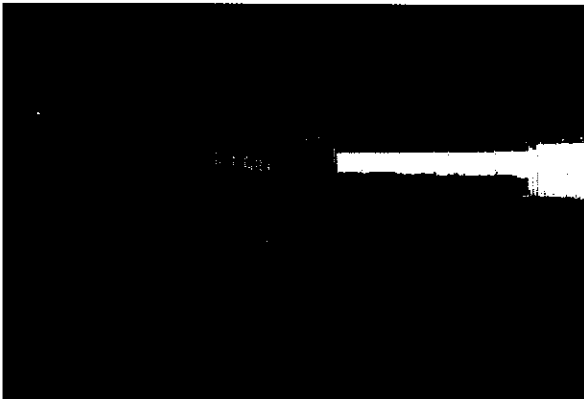
Enclosure



Ditch as it comes into property.
Photo taken facing N. Water at this
point is mingled with New York Irr
water.



POU looking N. Claimant owns land to
the end of white fence. Area to the S was
not irrigated at time of exam, however has
been irrigated in the past and shows
irrigated on the 1987 NAPP



POU facing south towards the house. This
area did have irrigation line in place at time
of exam.

9:00 AM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☒ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam See A File
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) Stephen / Marilyn Grace 63-17245Owner: _____ Phone No. 362-67260Current Address: Same as Above?

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property? _____

Accompanied by: Stephen Grace**✓ PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Told claimant priority date information needed

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

✓ POINT OF DIVERSION P.O.D different than "A" when did change occur?

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

As claimed additional POD used in 1980
because of subdivision

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

Detail with 3 mile creek water coming in also**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-17246A, 63-17243

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes X Stock # 7thorse

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: New York ZRR water used also

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Ditch flows through property - backed up and gravity flows

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Tried to get flow measurement & manning's. Neither worked as water was not moving and backed up in ditch. Visually ditch has capacity to serve rights.

RECEIVED

JAN 15 1999

WATER RESOURCES
WESTERN REGION

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: A63-17246B
Date Received: 8/10/1989
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: STEPHEN J GRACE 208-362-6726
Address: 8440 W VICTORY RD
BOISE ID 83709

AND

Name: MARILYN A GRACE 208-362-6726
Address: 8440 W VICTORY RD
BOISE ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	24	SE	SW			ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 7 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	24	SE	SW	STOCK	
			SE	SW	IRR	2.5
					Section Acres	2.5
					Total Acres	2.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:

NOTE: CLAIMANT PURCHASED 2.51 ACRES. (PER CLAIMANT 9/14/98).
1/12/99 AMENDMENT: ORIGINAL CLAIM INCORRECTLY LISTED WRONG
P/D LEGAL.

15. Basis of Claim: BENEFICIAL USE

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: 1

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): Stephen Grace Date: January 13, 1999
Marilyn A. Grace Date: Jan. 13 - 1999

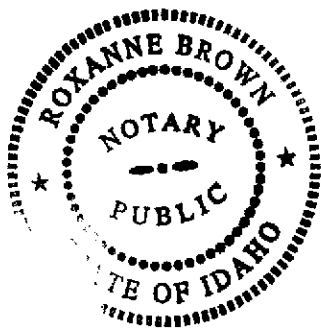
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13TH day

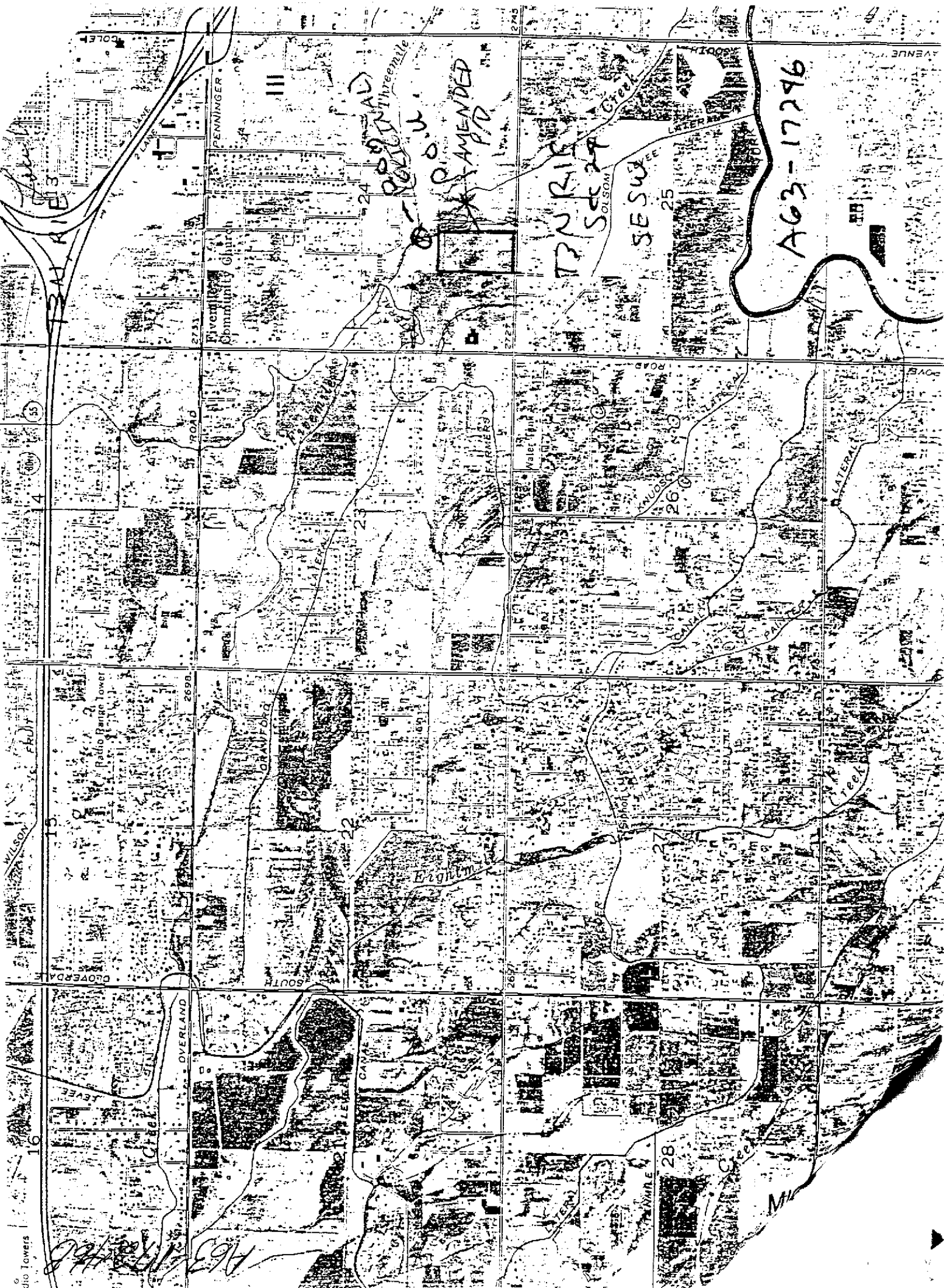
of January 19 99

Roxanne Brown
Notary Public

Seal



Residing at Boise, ID
My Commission Expires 5-16-2007



AG3-17296B

AG3-17296

TRN RIE
SESU

AMENDED

THREEMILE

FIVEFOLD
Community Church

PENNINER

RADAR

Radio Range tower

LEVEL

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15

14

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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: **A63-17246B**
Date Received: 8/10/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEPHEN J GRACE 208-362-6726
Address: 8440 W VICTORY RD
BOISE ID 83709
AND
Name: MARILYN A GRACE 208-362-6726
Address: 8440 W VICTORY RD
BOISE ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

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STOCKWATER	03/15	11/15	0.020		

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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 7 HORSES OR RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	24	SE	SW		STOCK	
			SE	SW		IRR	2.5
					Section Acres		2.5
					Total Acres		2.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:
NOTE: CLAIMANT PURCHASED 2.51 ACRES. (PER CLAIMANT 9/14/98).

15. Basis of Claim: BENEFICIAL USE

RECEIVED

AUG 04 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

A63-17246B

1. Water Right No(s).: (# A63-17246 & A63-17247)
Adjudication Claim No(s).: (# AJ 0749 NP)
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant JESSIE ACORDA
8440 W. VICTORY BOISE, ID 83709
4. New Owner/Claimant(s) STEPHEN J. GRACE & MARILYN A. GRACE
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 8440 WEST VICTORY RD.
City, State and ZIP Code BOISE, IDAHO 83709
New Telephone Number (208) 362-6726
5. Date you acquired the property JULY 31, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 2.51 Number and type of stock HORSES - ~~25~~ 07 OR 07 CATTLE
Diversion rate in CFS _____ Number of homes ONE (1) Other uses IRRIGATION W-LAWN & GARDEN STOCKWATER
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Stephen J. Grace
Marilyn A. Grace
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

3
mga.

TRUSTEES DEED

This deed made this 3rd day of August, 1998 between First Security Bank, N.A. as Trustee of the JESSIE V. ACORDA TRUST AGREEMENT, Under agreement dated 3 April 1995, Grantor and party of the first part; and STEPHEN J. GRACE AND MARILYN GRACE, HUSBAND AND WIFE, whose address is 8440 WEST VICTORY ROAD, BOISE, IDAHO, 83709, Grantee and parties of the second part;

WITNESSETH, That the said party of the first part, for good and other valuable consideration, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey without warranty unto the said parties of the second part the following described real property situated in ADA County, State of IDAHO, to-wit:

A PARCEL OF LAND LYING INT HE SE1/4 SW1/4 OF SECTION 24,
T.3N., R.1E., B.M., ADA COUNTY, IDAHO AND BEING MORE
PARTICULARLY DESCRIBED IN EXHIBIT "A":

Together with all and singular the tenements, hereditament, and appurtenances thereunto belonging, or other wise appertaining, and all estate, right, title, and interest in and to the said property.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances, unto the parties of the second part and their heirs and assigns forever.

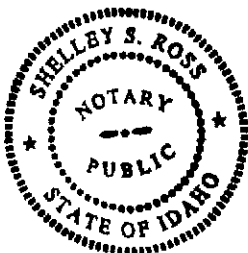
First Security Bank, N.A. as Trustee
for the JESSIE V. ACORDA TRUST
AGREEMENT, Under agreement dated 3
April 1995

BY 
Calvin E. Kidney
Assistant Vice President, Manager
Trust Real Estate

STATE OF IDAHO)
) ss.
County of ADA)

On this 3RD Day of AUGUST, 1998, before me, Shelley S. Ross, a Notary Public in and for said State, personally appeared Calvin E. Kidney known or identified to me to be the Assistant Vice President, Manager Trust Real Estate, of the corporation/fiduciary that executed the instrument as Trustee for the Jessie V. Acorda Trust Agreement, under agreement dated 3 April 1995 or the person who executed the instrument on behalf of said corporation/fiduciary and acknowledged to me that such corporation/fiduciary executed the same.

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



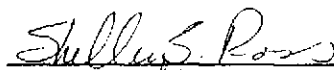

Notary Public For Idaho
Residing at Boise, Idaho
My Commission Expires: 9/28/02

EXHIBIT "A"

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.

RECORD OF SURVEY No. 4337

FOR

FIRST SECURITY BANK

A PARCEL OF LAND LYING IN THE SE 1/4 SW 1/4 OF SECTION 24,
T3N, R1E, P1M, ADA COUNTY, DAKOTA
1998

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, DOUGLAS G. PERCEY, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF DAKOTA, HEREBY CERTIFY THAT THIS IS AN ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND AS A LAND SURVEYOR WITH THE CORNER PERMANENTLY MARKED AND PLACED IN ACCORDANCE WITH THE ACT THROUGH 1997-1998.



DOUGLAS G. PERCEY, P.L.S. #710

CERTIFICATE OF COUNTY RECORDER

RECORDING NO. 98070727

STATE OF DAKOTA 25

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, ADA COUNTY, DAKOTA, ON JULY 23, 1998, AT 10:00 A.M.

DAKOTA RECORDER



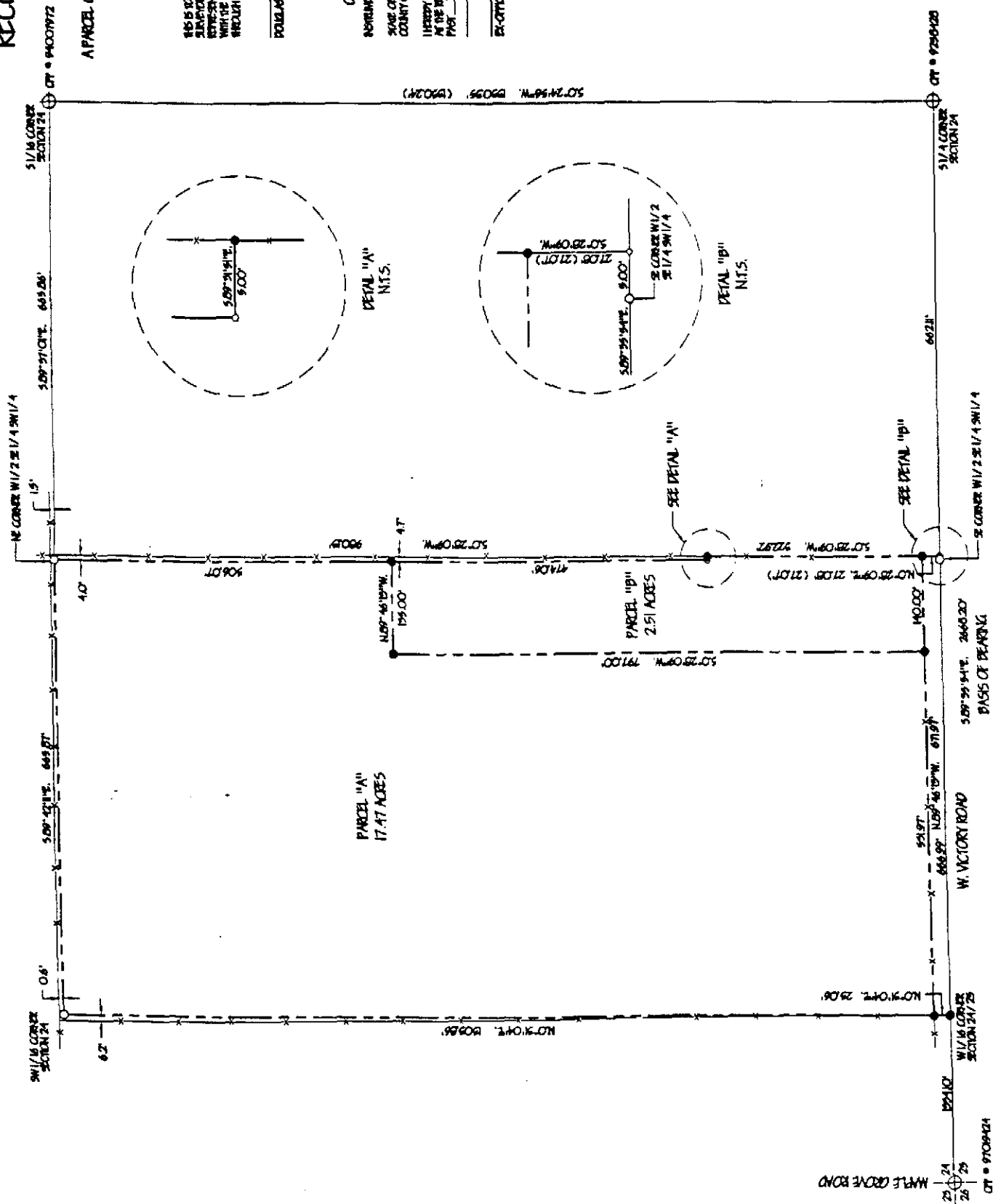
LEGEND

- PROPERTY BOUNDARY
- EXISTING FENCE LINE
- FOUND ALUM. OR ALUMINUM
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" IRON PIN
- CALC. POINT
- DATA OF RECORD

NEED NO. 24-24-220-000

MARKS LAND SURVEY

DOUGLAS G. PERCEY, P.L.S. 571
6409 15TH ST. S.
BOZEMAN, MONTANA 59717
(406) 592-1109





Colleen Marks, L.S. 7045 • 6405 Ustick Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "A"

A parcel of land lying in the W1/2 SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 1334.10 feet along the south boundary of said Section 24 to a set 5/8" iron pin marking the W1/16 Corner common to said Sections 24 and 25; thence N.0°31'04"E. 25.06 feet to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence continuing N.0°31'04"E. 1303.86 feet to a found 5/8" iron pin marking the SW1/16 Corner of said Section 24;

thence S.89°42'11"E. 665.87 feet to a found 5/8" iron pin marking the NE Corner of the said W1/2 SE1/4 SW1/4 of Section 24;

thence S.0°28'09"W. 506.07 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a set 5/8" iron pin;

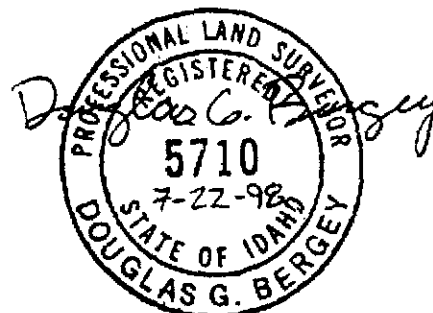
thence N.89°46'13"W. 135.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 797.00 feet to a set 5/8" iron pin marking a point on the said northerly right of way of W. Victory Road;

thence N.89°46'13"W. 531.97 feet along the said northerly right of way of W. Victory Road to the point of beginning, containing 17.47 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.





Colleen Marks, L.S. 7045 • 6405 Ustick Road • Boise, ID 83704 • (208) 378-7703

PROPERTY DESCRIPTION
PARCEL "B"

A parcel of land lying in the SE1/4 SW1/4 of Section 24, T.3N., R.1E., B.M., Ada County, Idaho and being more particularly described as follows:

Commencing at a found Aluminum Cap marking the Section Corner common to Sections 23, 24, 25, and 26, T.3N., R.1E., B.M., Ada County, Idaho; thence S.89°35'54"E. 2001.09 feet along the south boundary of said Section 24 to a found 5/8" iron pin marking the SE Corner of the W1/2 of the said SE1/4 SW1/4 of Section 24; thence continuing S.89°35'54"E. 5.00 feet to a point; thence N.0°28'09"E. 27.08 feet (formerly 27.07 feet) to a set 5/8" iron pin marking a point on the northerly right of way of W. Victory Road, said pin also marking the REAL POINT OF BEGINNING;

thence N.89°46'13"W. 140.00 feet along the said northerly right of way of W. Victory Road to a set 5/8" iron pin;

thence N.0°28'09"E. 797.00 feet to a set 5/8" iron pin;

thence S.89°46'13"E. 135.00 feet to a set 5/8" iron pin;

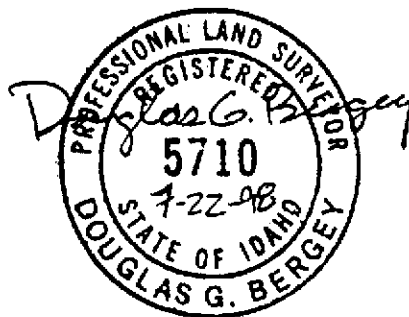
thence S.0°28'09"W. 474.06 feet along the easterly boundary of the said W1/2 SE1/4 SW1/4 of Section 24 to a found 1/2" iron pin;

thence S.89°31'51"E. 5.00 feet to a set 5/8" iron pin;

thence S.0°28'09"W. 322.92 feet to the point of beginning, containing 2.51 acres, more or less.

SUBJECT TO:

Any easements or rights of way of record or in use.



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: A63-17246
Date Received: 8/10/1989
Receipt No: W004309
Received By: S. J. L.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JESSIE ACORDA 208-362-1778
Address: 8440 W. VICTORY
BOISE, ID 83709

2. Date of Priority: MAR 15, 1922

3. Source: FIVE MILE CREEK Trib. to: FIFTEEN MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	24	NE	SW			ADA

5. Description of diverting works:
DAM IN CREEK TO DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	24	SE	SW		STOCK	
			SE	SW		IRR	20.0
						Section Acres	20.0

A63-17246

Page 1

Date: 08/10/89

MICROFILMED
AUG 26 1992

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NEW YORK IRRIG.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Jessie Nevada Date: 8-10-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Aug 19 89

Eldon L. Roush
Notary Public

Seal

Residing at Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 8, 1994

