

63-00317A

T4N, R4E
Sec 30

POD's

#1 NW,NW,NW

#2 SW,SE,NW

#3 SE,SE,NW

POW: 13 ACRES

SE,NW Sec 30

Robie Creek

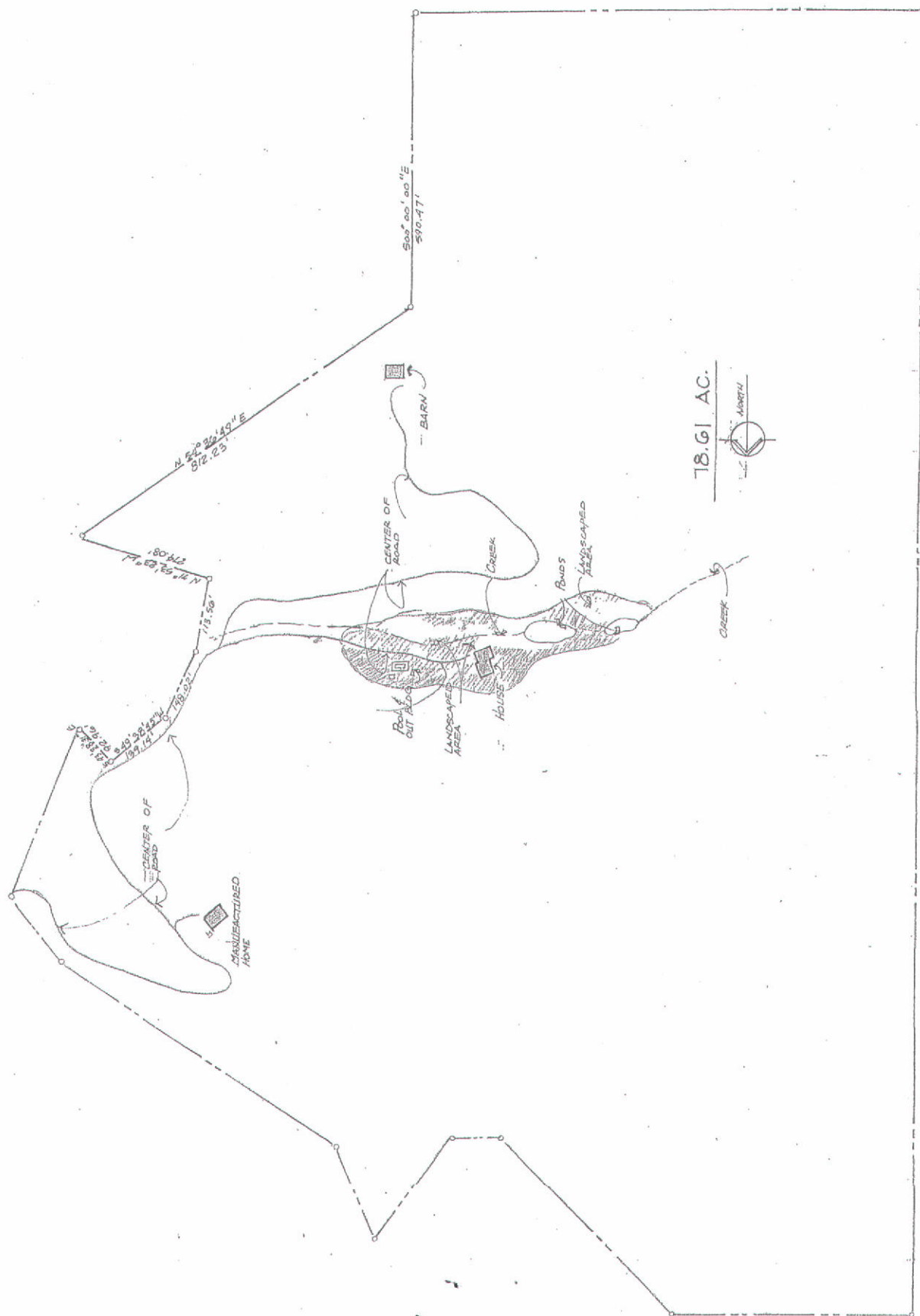
MICROFILMED
OCT 24 1996

~~MICROFILMED~~
~~AUG 17 1992~~

- Stephens
- Ashton Gulch
- 4N 4E S30 SWNW

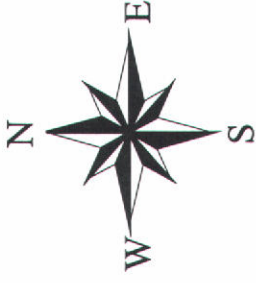
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19 2002

BOISE COUNTY
PLANNING & ZONING

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

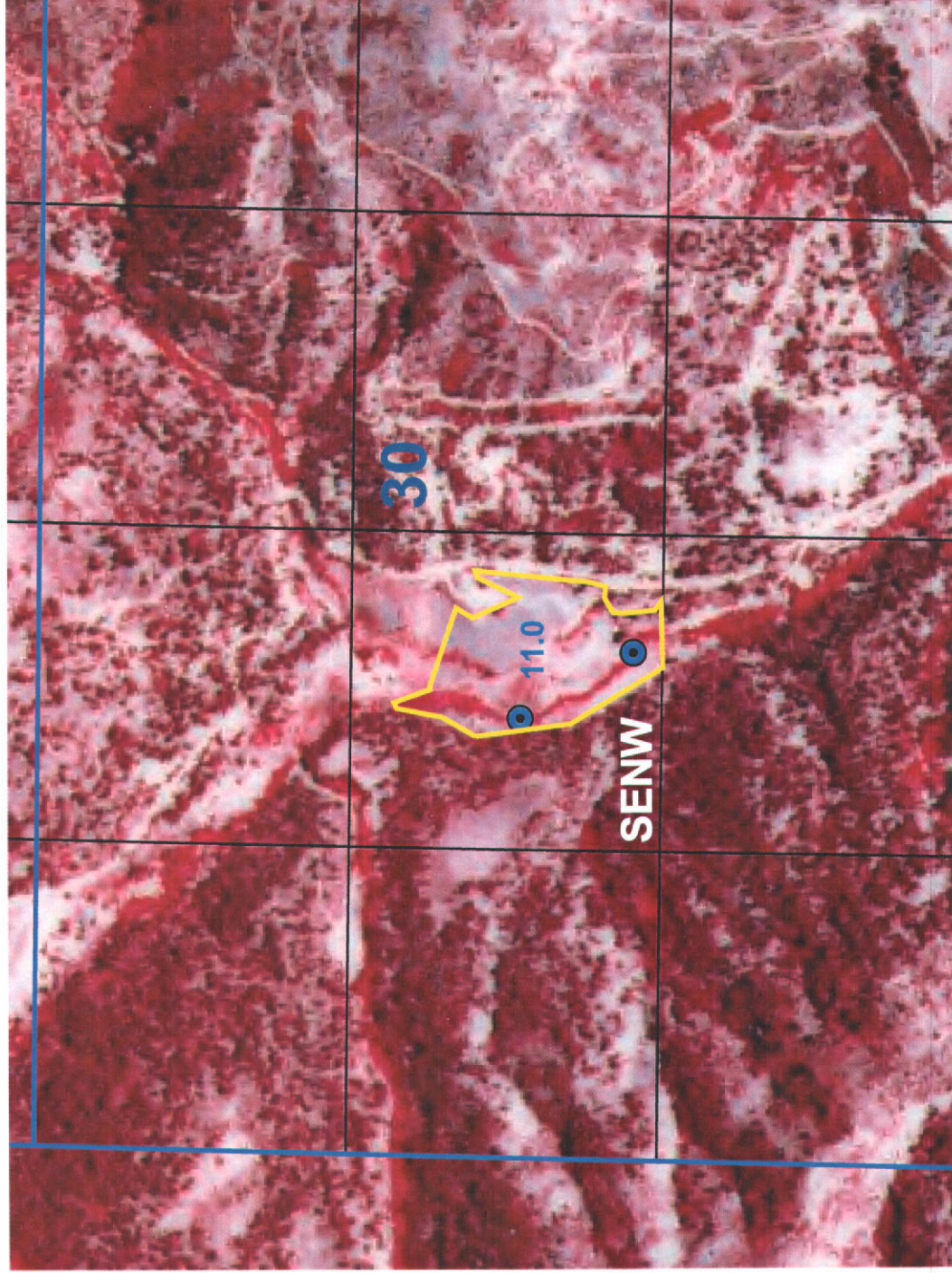
6 SECTION NUMBERS

CLAIM(S): 63-317B

OWNER(S) : RICHARDSON & STULL

DATE: JANUARY 2, 2002

by: Mel Schulte



0.75 Miles

0.5

0.25

0

NENW

SENW

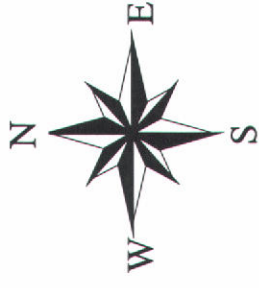
NESW

Stull
Richardson

1 ha

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES

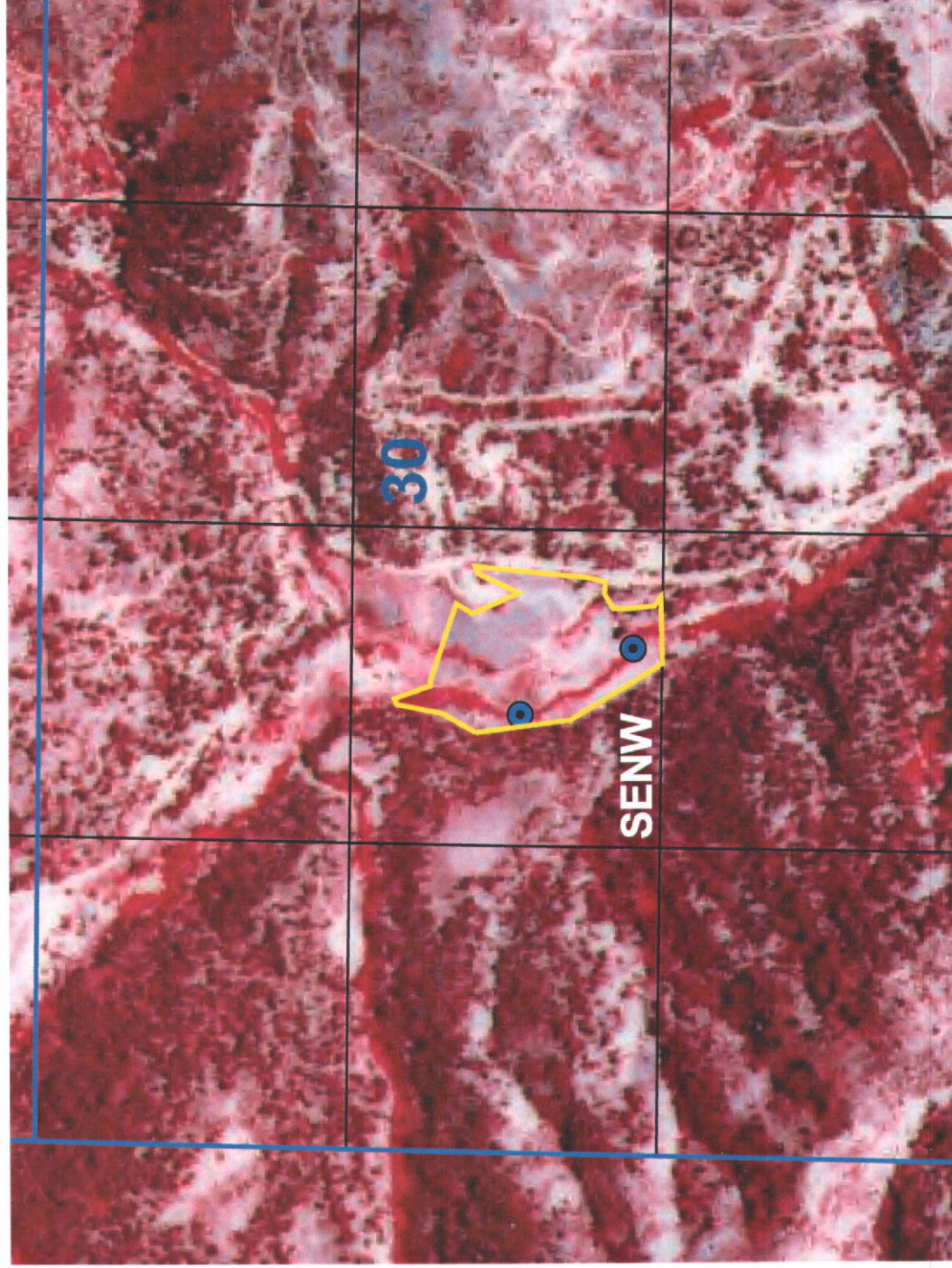


SECTION LINES



6 ACRES

6 SECTION NUMBERS



CLAIM(S): 63-317B

OWNER(S) : RICHARDSON & STULL

DATE: JANUARY 2, 2002

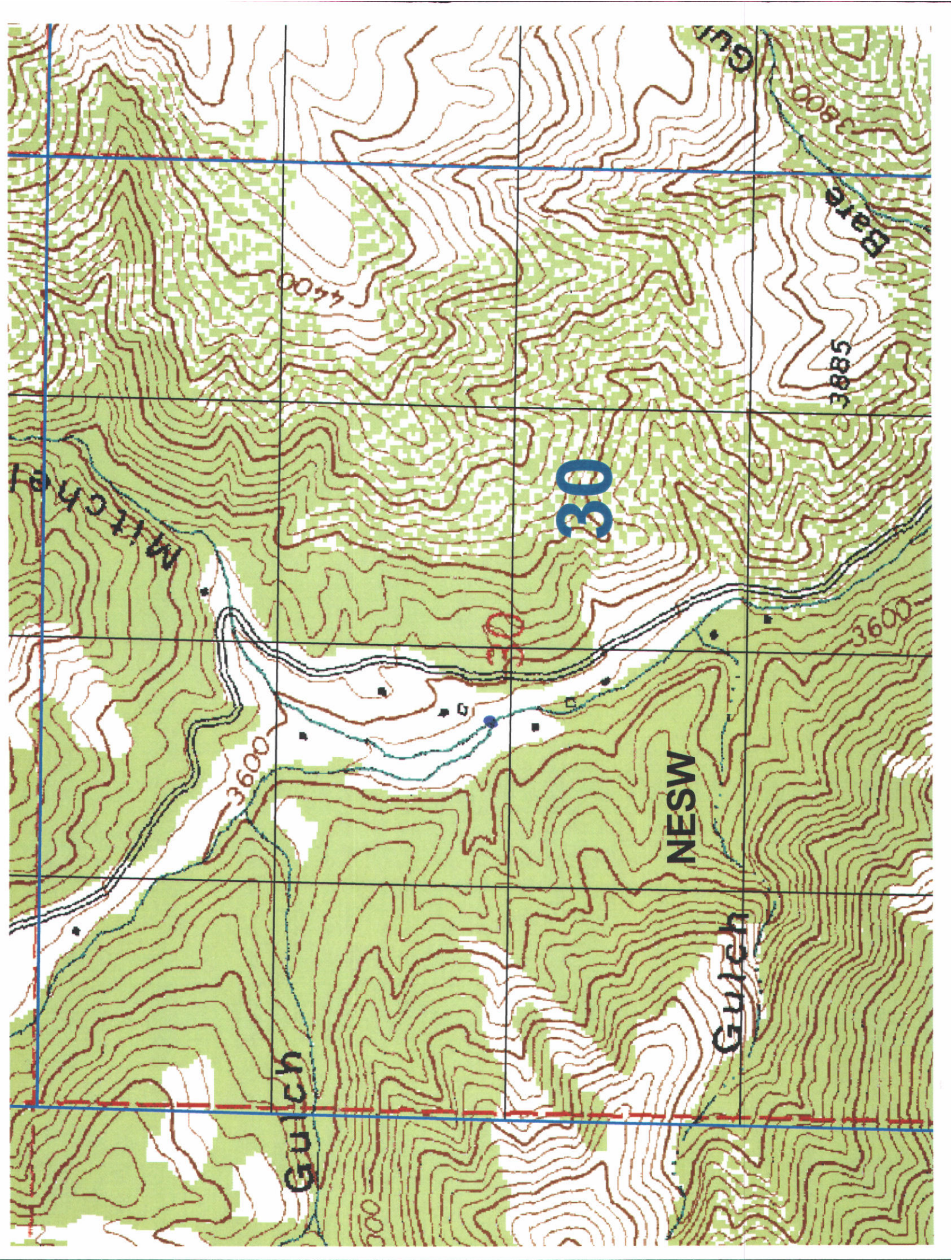
by: Mel Schulte

0.75 Miles

0.5

0.25

0



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 63-317B
Date Received: 3/13/1989
Receipt No: M003008
Received By:

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

1. Name of Claimant(s): RICHARD A STULL
13 ROBIE CREEK LN
BOISE ID USA 83716

Phone: (208)343-1454

K GAIL RICHARDSON
13 ROBIE CREEK LN
BOISE ID USA 83716

Phone: (208) 343-1454

2. Date of Priority: 04/01/1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4Lot	County	Type
04N	04E	30	SW SE NW	BOISE	
04N	04E	30	SE SE NW	BOISE	
04N	04E	30	NW NW NW	BOISE	

5. Description of diverting works:

HEAD GATES IN STREAM, DITCHES, TANKS, GRAVITY TO SPRINKLERS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.3	

7. Total Quantity Appropriated is:
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	30	SE NW		IRRIGATION	13
Section Acres						13
Total Acres						13

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE IN DECREE. 2 POINTS.
| NEW 1979 DECREE, SPLIT THE ORIGINAL DECREED WATER RIGHT INTO 3 PORTIONS. AND
DESIGNATED 2 POD'S. A THIRD POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE
CREEK. SEE ATTACHED COPY OF 1979 DECREE.
OWNERSHIP CHANGED BY LH 9/19/96.
Address change for Richardson done by DB 7/30/2001

15. Basis of Claim: Decreed

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: A63-00317B
Date Received: 3/13/1989
Receipt No: M003008
Received By: _____

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

1. Name: K GAIL RICHARDSON 208-343-1091
Address: HC 33 BOX 2473
BOISE ID 83706

AND

Name: RICHARD A STULL 208-343-1091
Address: HC 33 BOX 2473
BOISE ID 83706

2. Date of Priority: APR 1, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NW	NW	NW		BOISE
			SW	SE	NW		BOISE
			SE	SE	NW		BOISE

5. Description of diverting works:

HEAD GATES IN STREAM, DITCHES, TANKS, GRAVITY TO SPRINKLERS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

7. Total Quantity Appropriated is:

0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 24 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NW		IRR	13.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE IN DECREE. 2 POINTS.

NEW 1979 DECREE, SPLIT THE ORIGINAL DECREED WATER RIGHT INTO 3 PORTIONS. AND DESIGNATED 2 POD'S. A THIRD POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE CREEK. SEE ATTACHED COPY OF 1979 DECREE.

OWNERSHIP CHANGED BY LH 9/19/96.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

AFTON

Decree Plaintiff

LUTTRELL

vs

Decree Defendant

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: A63-00317B
Date Received: 3/13/1989
Receipt No: M003008
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE F PHILLIPS 208-343-9380
Address: HC 33 BOX 2160
BOISE ID 83706
AND/OR
Name: LAVONNE PHILLIPS 208-343-9380
Address: HC 33 BOX 2160
BOISE ID 83706

2. Date of Priority: APR 1, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NW	NW	NW		BOISE
			SW	SE	NW		BOISE
			SE	SE	NW		BOISE

5. Description of diverting works:
HEAD GATES IN STREAM, DITCHES, TANKS, GRAVITY TO SPRINKLERS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	30	SE NW		IRR	13.0
Section Acres						13.0
Total Acres						13.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE IN DECREE. 2 POINTS.

NEW 1979 DECREE, SPLIT THE ORIGINAL DECREEED WATER RIGHT INTO 3 PORTIONS. AND DESIGNATED 2 POD'S. A THIRD POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE CREEK. SEE ATTACHED COPY OF 1979 DECREE.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

AFTON

Decree Plaintiff

LUTTRELL

vs

Decree Defendant

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: **A63-00317B**
Date Received: 3/13/1989
Receipt No: M003008
Received By: _____

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

1. Name: EUGENE F PHILLIPS 208-343-9380
Address: HC 33 BOX 2160
BOISE ID 83706
AND/OR
Name: LAVONNE PHILLIPS 208-343-9380
Address: HC 33 BOX 2160
BOISE ID 83706

2. Date of Priority: APR 1, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NW	NW	NW		BOISE
			SW	SE	NW		BOISE
			SE	SE	NW		BOISE

5. Description of diverting works:

HEAD GATES IN STREAM, DITCHES, TANKS, GRAVITY TO SPRINKLERS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

7. Total Quantity Appropriated is:

0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

OCT 24 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NE		IRR	13.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE IN DECREE. 2 POINTS.

NEW 1979 DECREE, SPILT THE ORIGINAL DECREEED WATER RIGHT INTO 3 PORTIONS. AND DESIGNATED 2 POD'S. A THRID POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE CREEK. SEE ATTACHED COPY OF 1979 DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

AFTON

Decree Plaintiff

LUTTRELL

vs

Decree Defendant

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: _____

MICROFILMED

OCT 24 1996

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 _____

MICROFILMED

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

Renumbered to A63-00317B
Ident. Number: ~~A63-00317A~~ by
Date Received: 3/13/1989 Don
Receipt No: MO03008 Shaff
Received By: AB 3/20/90
Kew
1-4-96

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE F. PHILLIPS 208-343-9380
Address: HC 33, BOX 2160
BOISE, ID 83706

AND/OR

Name: LAVONNE PHILLIPS 208-343-9380
Address: HC 33, BOX 2160
BOISE, ID 83706

2. Date of Priority: APR 01, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NW	NW	NW		BOISE
			SW	SE	NW		BOISE
			SE	SE	NW		BOISE

5. Description of diverting works:
HEAD GATES IN STREAM, DITCHES, TANKS, GRAVITY TO SPRINKLERS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NE		IRR	13.0
Section Acres							13.0
Total Acres							13.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

P/D INCOMPLETE IN DECREE. 2 POINTS.

NEW 1979 DECREE, SPILT THE ORIGINAL DECREEED WATER RIGHT INTO 3 PORTIONS. AND DESIGNATED 2 POD'S. A THRID POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE CREEK. SEE ATTACHED COPY OF 1979 DECREE.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date:

AFTON

Decree Plaintiff

vs

LUTTRELL

Decree Defendant

MICROFILMED

OCT 24 1996

~~MICROFILMED~~

~~AUG 17 1992~~

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: 2

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): Laverne Phillips Date: 3/13/1989
_____ Date: _____

State of Idaho)
County of Borise) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of March 19 89 Anna Baumpff
Notary Public

Seal

Residing at Borise Idaho
My Commission Expires 12-7 1994

RECEIVED
JAN 07 2002
WATER RESOURCES
WESTERN REGION

JAN - 2 2002

Snake River Basin Adjudication
Change in Address of Notice of Claim

Claim Number(s): 63-00317B + 63-15114

Previous Mailing Address: Rec-A Stull / K. Gail Richardson
RR# 6 Box 680
Pasco, WA 99301

New Mailing Address: Rec A Stull / K. Gail Richardson
13 Robin Creek Lane
Boise, ID 83716

Telephone Number: (208) ~~343-1454~~ ~~343-0480~~ 343-1454

Signature of Claimant(s): 
+ K. Gail Richardson

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2001

K GAIL RICHARDSON
11 ROBIE CREEK LN
BOISE ID 83716-3143

RECEIVED

JUL 30 2001

WATER RESOURCES
WESTERN REGION

Re: Snake River Basin Adjudication (SRBA)
Water Right No. 63-317B
Change of Address

Dear Water Right Holder(s):

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation that this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office to obtain a form to make this required change to the water right records.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

(208) 424-0480

Telephone number



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

AUG 19 1996

DATE OF CLOSING: 10/17/94

LEGAL DESCRIPTION OF PROPERTY: Township 4 NORTH Range 4 EAST
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

Department of Water Resources

If you have additional legal descriptions, please attach separate sheet. - SEE ATTACHED EXHIBIT A.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

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SEP 05 1996

☐ Water Right Number(s)
Assigned by IDWR:

A63-00317B/15114WATER RESOURCES
WESTERN REGION

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

EUGENE & LAVONNE PHILLIPS3083 W. IDAHO BLVD. EMMETT, ID 83617~~EMMETT, ID~~ K. GAIL RICHARDSON & RICHARD A. STULL

☐ New Owner/Claimant
(Purchaser):

HC-33, Box 2473, Boise, ID 83706

☐ New Mailing Address:

↑Gail Richardson
work # 573-7314

☐ New Telephone Number:

(208) 343-1091

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

WARRANTY DEED & CONTRACT OF SALE

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

K. Gail RichardsonDate 8/16/96Date 8/16/96

☐ Signature of Former
Owner/Claimant(s):

Eugene & Lavonne PhillipsDate 8-16-96Date 8/16/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-19-96 By: ZAH

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 9-19-96 By: ZAH

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 24 1996

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Informational brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing the form, please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

WARRANTY DEED

(INDIVIDUAL)

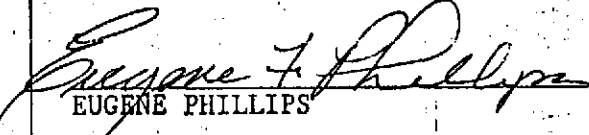
FOR VALUE RECEIVED **EUGENE PHILLIPS AND LAVONNE PHILLIPS, HUSBAND AND WIFE**

Grantor s , do hereby grant, bargain, sell and convey unto **RICHARD A. STULL, AN UNMARRIED MAN AND GAIL RICHARDSON, AN UNMARRIED WOMAN**

the Grantee s , whose current address is: **HC-33, BOX 2473, BOISE, IDAHO 83706-9736**
the following described real property in **BOISE,** County, State of Idaho, more particularly described as follows, to-wit:
LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" WHICH IS MADE A PART HEREOF BY REFERENCE.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , and Grantee s heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees , the Grantors are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s ; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

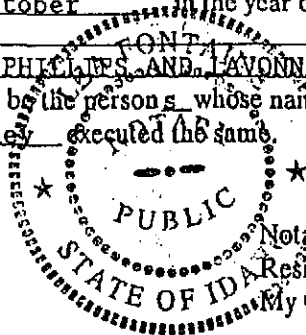
Dated: October 17, 1994

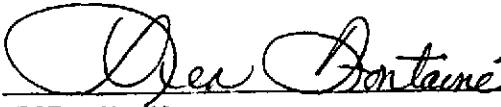

EUGENE PHILLIPS


LAVONNE PHILLIPS

STATE OF IDAHO , County of ADA , ss.

On this 17 day of October in the year of 1994 , before me THE UNDERSIGNED , a notary public, personally appeared EUGENE PHILLIPS AND LAVONNE PHILLIPS , known or identified to me to be the persons whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: 

Residing at: BOISE, IDAHO

My Commission Expires: 6-10-2000

EXHIBIT "A"

A PART OF THE NORTHWEST QUARTER SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER SECTION CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, THENCE NORTH 89 DEGREES 12'30" EAST ALONG THE SECTION LINE, 2049.0 FEET TO THE POINT OF BEGINNING:

THENCE NORTH 27 DEGREES 30'30" WEST, 130.04 FEET;
THENCE NORTH 33 DEGREES 30'30" WEST, 313.36 FEET;
THENCE NORTH 6 DEGREES 50'30" WEST, 173.96 FEET;
THENCE NORTH 10 DEGREES 20'30" WEST, 232.40 FEET;
THENCE NORTH 29 DEGREES 39'30" EAST, 166.76 FEET;
THENCE NORTH 9 DEGREES 09'30" EAST, 156.83 FEET;
THENCE NORTH 7 DEGREES 15' EAST, 46.20 FEET;
THENCE SOUTH 72 DEGREES 57' EAST, 15.86 FEET;
THENCE SOUTH 20 DEGREES 49' EAST, 35.83 FEET;
THENCE SOUTH 32 DEGREES 11'30" EAST, 140.00 FEET;
THENCE SOUTH 75 DEGREES 04' EAST, 341.36 FEET;
THENCE SOUTH 28 DEGREES 20' WEST, 84.70 FEET;
THENCE SOUTH 23 DEGREES 25' EAST, 183.66 FEET;
THENCE SOUTH 80 DEGREES 48' EAST, 17.45 FEET;
THENCE NORTH 23 DEGREES 37'30" EAST, 170.51 FEET;
THENCE NORTH 66 DEGREES 32'30" EAST, 83.48 FEET TO THE CENTER OF THE COUNTY ROAD.
THENCE SOUTH 4 DEGREES 59'30" WEST, 523.53 FEET ALONG THE CENTER OF THE COUNTY ROAD;
THENCE SOUTH 17 DEGREES 49' WEST, 122.54 FEET ALONG THE CENTER OF THE COUNTY ROAD;
THENCE SOUTH 8 DEGREES 20'30" EAST, 180.94 FEET ALONG THE CENTER OF THE COUNTY ROAD;
THENCE SOUTH 89 DEGREES 12'30" WEST, 388.31 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

L.P.
E.P.

MICROFILMED

OCT 24 1996

NOTICE OF CONTRACT

NOTICE IS HEREBY GIVEN That the below described real property is subject to a Contract of Sale by and between **EUGENE F. PHILLIPS** and **LAVONNE PHILLIPS**, Husband and Wife, hereinafter referred to as "Sellers", and **RICHARD A. STULL** and **GAIL RICHARDSON**, hereinafter referred to as "Buyers". This Notice is made for purposes of recordation of said contractual interests by the Buyers in the property to give notice to all interested parties that the said real property is subject to contractual interest.

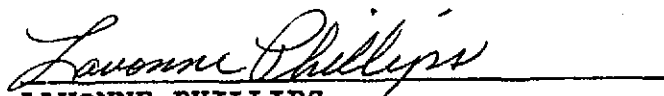
A part of the Northwest Quarter Section 30, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho described as follows: Commencing at the West quarter section corner of Section 30, Township 4 North, Range 4 East, Boise Meridian, thence North 89 Degrees 12 minutes 30 seconds East along the section line, 2049.0 feet to the point of beginning:

Thence North 27 degrees 30 minutes 30 seconds West, 130.04 feet;
Thence North 33 degrees 30 minutes 30 seconds West 313.36 feet;
Thence North 6 degrees 50 minutes 30 seconds West, 173.96 feet;
Thence North 10 degrees 20 minutes 30 seconds West, 232.40 feet;
Thence North 29 degrees 39 minutes 30 seconds East, 166.76 feet;
Thence North 9 degrees 09 minutes 30 seconds East, 166.76 feet;
Thence North 7 degrees 15 minutes East, 46.20 feet;
Thence South 72 degrees 57 minutes East, 15.86 feet;
Thence South 20 degrees 49 minutes East, 35.83 feet;
Thence South 32 degrees 11 minutes 30 seconds East, 140.00 feet;
Thence South 75 degrees 04 minutes East, 341.36 feet;

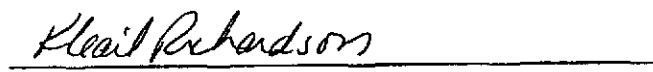
Thence South 28 degrees 20 minutes West, 84.70 feet;
Thence South 23 degrees 25 minutes East, 183.66 feet;
Thence South 80 degrees 48 minutes East, 17.45 feet;
Thence North 23 degrees 37 minutes 30 seconds East, 170.51 feet;
Thence North 66 degrees 32 minutes 30 seconds East, 83.48 feet to the center of the county road;
Thence South 4 degrees 59 minutes 30 seconds West, 523.53 feet along the center of the county road;
Thence South 17 degrees 49 minutes West, 122.54 feet along the center of the county road;
Thence South 8 degrees 20 minutes 30 seconds East, 180.94 feet along the center of the county road;
Thence South 89 degrees 12 minutes 30 seconds West, 388.31 feet along the section line to the point of beginning.

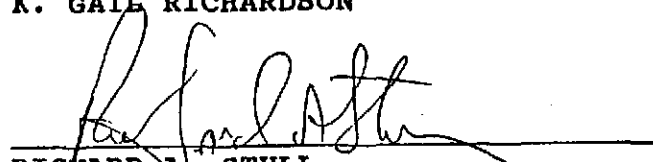
DATED This 17TH day of OCTOBER, 1994.


EUGENE F. PHILLIPS


LAVONNE PHILLIPS

"SELLERS"


K. GAIL RICHARDSON


RICHARD A. STULL

"BUYERS"

BOISE COUNTY IDAHO SS
REQUEST OF

mt. View
DATE TIME H.

153729

94 OCT 19 PM 4:40

ARLENE C. KOLAR

BY *Shirley George*
DEPUTY

FEE \$ 9.00

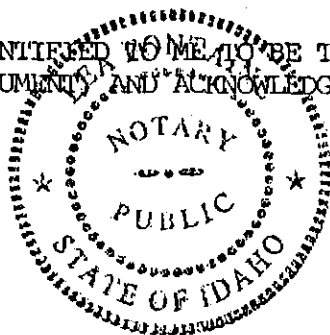
STATE OF IDAHO

COUNTY OF ADA

ON THIS 17TH DAY OF OCTOBER, 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED

EUGENE F. PHILLIPS and LAVONNE PHILLIPS

KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.



Lea Fontaine
NOTARY PUBLIC

RESIDING AT: BOISE IDAHO
COMMISSION EXPIRES: 6-10-2000

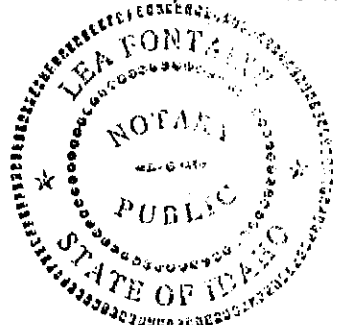
STATE OF IDAHO

COUNTY OF ADA

ON THIS 17TH DAY OF OCTOBER, 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED

RICHARD A. STULL and GAIL RICHARDSON

KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.



Lea Fontaine
NOTARY PUBLIC

RESIDING AT BOISE, IDAHO
COMMISSION EXPIRES: 6-10-2000

MICROFILMED

OCT 24 1995

MEMORANDUM

January 12, 1996

TO: FILE A63-00317B

FROM: KAY WALKER *kw*

RE: CORRECTION OF PLACE OF USE

When I pulled this file for review, I found the place of use was in error. The map attached to the claim and the platted metes and bounds description, attached to the decree, both identified the place of use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 4E. I corrected the place of use description on the claim based on my review and notified the claimant of this change. See correspondence of this date.

MICROFILMED
OCT 24 1998

63-00317A

T4N, R4E
Sec 30

POD's

#1 NW,NW,NW

#2 SW,SE,NW

#3 SE,SE,NW

POW: 13 ACRES

SE,NW Sec 30

Robie Creek

MICROFILMED
OCT 24 1996

~~MICROFILMED~~
~~AUG 17 1992~~

See Decree 63-L

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book 3 Page 426-429
Mar. 29-1979
Filed **MAR 29 1979**
Robert J. Telford
By *Ann Morgan* DEPUTY

1 WILLIAM D. COLLINS
2 COLLINS & MANLY
3 ATTORNEYS AT LAW
4 708 NORTH 8TH STREET
5 P. O. BOX 2784
6 BOISE, IDAHO 83701
7 TELEPHONE (208) 245-2811
8 Attorney for Plaintiffs
9
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

OLIN COOLEY and ROSEMARY	)	Case No. 921
COOLEY, husband and wife,	)	
and EUGENE PHILLIPS and	)	DECREE
LAVONNE PHILLIPS, husband	)	
and wife,	)	
Plaintiffs,	)	
vs.	)	
HORST O. BILOSCHAEZKE and	)	
GISELA S. BILOSCHAEZKE,	)	
husband and wife, and	)	
LESTER HOOVER and ERNA	)	
HOOVER, husband and wife,	)	
Defendants.	)	

The above-entitled matter came on regularly for trial
July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho
City, Idaho. The Plaintiffs were represented by William D.
Collins of the firm Collins, Manly & Williams, and the Defendants,
Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were repre-
sented by Douglas McClelland of the firm Skinner, McClelland &
Donnelly. The Defendants, Lester Hoover and Erna Hoover, having
been regularly served with process and having failed to appear or
answer the Complaint, their default was taken and entered November
4, 1976. The parties have stipulated to waive findings of fact
and conclusions of law and agreed to the entry of this Decree and
the Court being fully advised in the premises hereby enters the
following Decree,

DECREE

MICROFILMED
OCT 24 1980

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

2 1. All lands described in Exhibits A, B and C are arid in
3 nature and require irrigation for the proper cultivation and
4 raising of crops thereon.

5 2. All appropriations herein ordered, adjudged and decreed
6 are to be measured at the respective points of diversion as
hereinafter set forth.

7 3. The following-named parties to this action are entitled
8 to divert and use the waters of Robie Creek in Boise County, Idaho,
9 upon their respective tracts of land hereinafter described in the
10 following amounts and from the following dates and the same are
11 ordered, adjudged and decreed as follows:

12 63-00317A (a) To Plaintiffs, Olin Cooley and Rosemary Cooley,
13 husband and wife, for use upon and appurtenant to the
14 property described in Exhibit A which is attached hereto and
15 incorporated herein as if set out in full, fifteen miners
16 inches or 0.3 of a cubic foot per second with a priority of
17 April 1, 1896, and a point of diversion approximately 716
18 feet east of the northwest corner of Section 30, Township
19 4 North, Range 4 East, Boise Meridian, Boise County, Idaho.
20 During times of scarcity when the flow in Robie Creek at this
21 point of diversion is less than 50 miners inches or one cubic
22 foot per second, then 0.3 of the water available at that
point of diversion shall be for use on the property described
in Exhibit A.

23 63-00317B (b) To Plaintiffs, Eugene Phillips and Lavonne Phillips,
24 husband and wife, for use on and appurtenant to the real
25 property described in Exhibit B which is attached hereto
26 and incorporated herein as if set out in full, fifteen
27
28

DECREE

-2-

MICROFILMED

OCT 24 1996

1 miners inches or 0.3 of a cubic foot per second with a
2 priority date of April 1, 1896, with two points of
3 diversion; (1) approximately 716 feet east of the northwest
4 corner of Section 30, Township 4 North, Range 4 East, Boise
5 Meridian, Boise County, Idaho, and (2) at the mouth of the
6 confluence of Mitchell Creek and Robie Creek. Those Defendant
7 may divert up to fifteen miners inches at either of the two
8 points of diversion but shall not exceed 15 miners inches tota
9 between the two diversion points. During the times of scarcit
10 when the flow of water in Robie Creek is less than 50 miners
11 inches at the point of diversion described first above then
12 the quantity of water to be diverted for this property shall
be 0.3 of that existing at that point.

13 63-00317C(c) To the Defendants, Horst O. Biloschaetzke and
14 Gisela S. Biloschaetzke, husband and wife, for use on and
15 appurtenant to the real property described in Exhibit C
16 which is attached hereto and incorporated herein as if set
17 out in full, twenty miners inches of 0.4 of a cubic foot per
18 second with a priority date of April 1, 1896, with two points
19 of diversion; (1) approximately 716 feet east of the north-
20 west corner of Section 30, Township 4 North, Range 4 East,
21 Boise Meridian, Boise County, Idaho, and (2) at a point on
22 Robie Creek about 150 yards south of the above designated poin
23 of diversion. Those Defendants may divert water to satisfy
24 this right out of either or both of the two points of
25 diversion but shall not exceed 20 miners inches total
26 between the two. During times of scarcity when the total
27 quantity of water in Robie Creek is less than 50 miners inches
at the first point of diversion described above then those
Defendants shall divert 0.4 of that then existing.

1 4. The above water rights comprise an allocation of the
2 waters previously decreed by the District Court of the Third
3 Judicial District of the State of Idaho, in and for the County
4 of Boise, in the case of Earl H. Afton and Mabel Afton, husband
5 and wife, Plaintiffs, vs. Frances Luttrell, et al, Defendants,
6 in Case No. 629 entered March 23, 1962. The right decreed to
7 the Plaintiffs, Earl H. Afton and Mabel Afton, was 50 miners
8 inches or one cubic foot per second with a priority of April
9 1, 1896, at the above three points of diversion as the same appear-
10 ed in Paragraph 3, Subparagraph (a), Page 4, of the Decree as
11 entered by the Court.

12 5. The following named parties to this action are entitled
13 to divert and use the waters of Mitchell Creek, Boise County,
14 Idaho, upon their respective tracts of land hereinafter
15 described, in the following amounts from the following dates,
16 and the same are ordered, adjudged and decreed:

17 63-00386 (a) To Defendants, Horst O. Biloschaetzke and Gisela S.
18 Biloschaetzke, husband and wife, for domestic purposes for
19 a single family residence located upon the property
20 described in Exhibit C, 1,200 gallons per day with a
21 maximum rate of diversion of 2 gallons per minute to
22 be conveyed through a 1½ inch pipe. The point of diversion
23 shall be approximately 200 feet easterly of the southwest
24 corner of the property described in Exhibit C. The priority
25 of the right shall be June 1, 1966.

26 63-00387 (b) To Plaintiffs, Olin Cooley and Rosemary Cooley,
27 the balance of the waters of Mitchell Creek not to exceed
28 15 miners inches for use upon the property described in
Exhibit A for irrigation purposes with a priority date

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

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO
FILED *DA*

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00317B

2004 NOV 4 PM 3 00

NAME AND ADDRESS: K GAIL RICHARDSON
RICHARD A STULL
13 ROBIE CREEK LN
BOISE, ID 83716

SOURCE: ROBIE CREEK TRIBUTARY: MORES CREEK

QUANTITY: 0.22 CFS

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION: T04N R04E S30 SWSERN Within Boise County
SESERN

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.22 CFS

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER DISTRICT #3 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S. DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576

PLACE OF USE: Irrigation Within Boise County
T04N R04E S30 SENW 11.0
11.0 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECEIVED

FEB 4 - 2003

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 63-317B
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: 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, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Richard A Stull K Gail Richardson

Address: 13 Robie Creek Ln
Boise, ID 83716

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

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

E. REASONS SUPPORTING EACH OBJECTION(S):

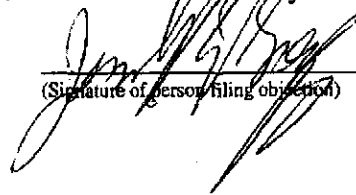
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs and the New York Canal, and (c) diminution of contract water reliability.

F. 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)

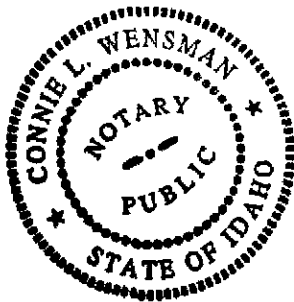
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003





Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or 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, ID. 83303-2707

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

Name: Richard A Stull K Gail Richardson

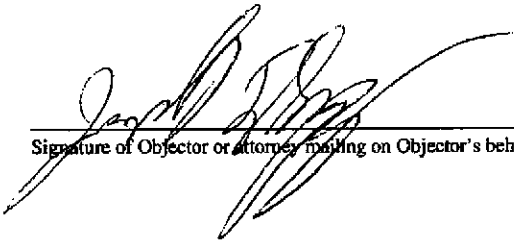
Address: 13 Robie Creek Ln
Boise, ID 83716

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector'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 SRBA

Case No. 39576

A. Subcase Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:

Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: See Attachment B
Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**
Should be: April 1 to November 1

9. ☐ **Place of Use**
Should be:

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

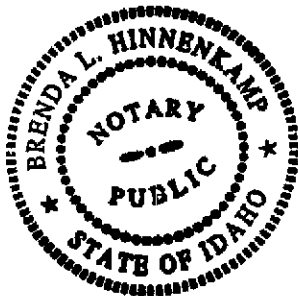
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or 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, ID. 83303-2707

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

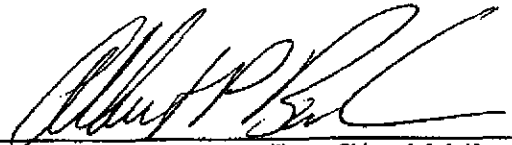
Name: See Attachment B
Address:

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT B

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037

Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

Scott R. Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B

Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97

L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C

Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

Mervenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B
Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C
Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250
Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252
Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C
Alan K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A
Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251
Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206
Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D
Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B
Dwayne Wright
Elizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

INTER-DEPARTMENT MEMO--1

FROM Shelley Keen

DATE 9-13-02

TO Gary Spackman

SUBJECT Letter from Rick Stull

Mr. Stull brought in this request for a regulation of water on Robie Creek today. He said he's talked to Lee Aisco, but Lee is reluctant to go up there.

Shelley Keen
SIGNATURE

Richard A. Stull
13 Robie Creek Lane
Boise, ID 83716

208 343-1454

Sept. 10. 2002

RECEIVED

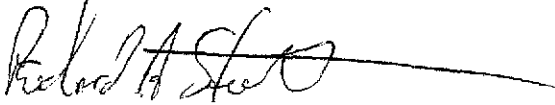
SEP 17 2002

WATER RESOURCES
WESTERN REGION

Idaho Dept of Water Resources
1301 N Orchard St.
Boise, ID 83706

I am requesting a review of our water right 63-317 B specifically the reduction from our historic claim. I would also like to request a review of other water rights in the Robie Creek drainage. As other claims have been filed on springs and tributaries of Robie Creek our supply has diminished. I would also request a We also may have some ponds created in Ashton Gulch another tributary in the Robie Creek drainage that could be limiting our inflows.

Regards,



Richard A. Stull

Talked to Richard Stull by phone and invited him to come to my office to review the file and maps. I explained to him the process leading up to our recommendation and why the recommendation reduced the acres and diversion rate from the amounts claimed.
Mel Schulte

1-27-03

As of this date I have not had a response from Richard Stull.
M.S.

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES 01/11/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-317B

NAME AND ADDRESS: RICHARD A STULL
13 ROBIE CREEK LN
BOISE ID 83716

K GAIL RICHARDSON
13 ROBIE CREEK LN
BOISE ID 83716

SOURCE: ROBIE CREEK TRIBUTARY: MORES CREEK

QUANTITY: 0.22 CFS

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION:

T04N R04E S30 SWSENW Within BOISE County

T04N R04E S30 SESENW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.220 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S30 SENW 11.0

11 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-317B

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☒ NEW ADDRESS: 13 Robie Creek Ln

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 4-1-1896

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

as decreed.

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: Robie Creek.

4. ☐ No Change — POINT OF DIVERSION

* ☒ Point of diversion is different than the claim and/or new P/D's:

Township 4 N Range 4 E Section 30 1/4 SW 1/4 SE 1/4 NW

Township 11 Range 11 Section 30 1/4 SE 1/4 SE 1/4 NW

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

* POR and ditch from the NW NW NW, S30 is no longer useable to deliver water to this right per the adjacent owner, Cummings. The POR in the SW SE NW was added to pump water to a sprinkler system. POR's based on claim map and neighbor

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

** Use Mr. From 3-15 To 11-15 Amount .22 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount CFS AFA

☒ Changes found, the new total is, Amount .22 CFS AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: Stock # List types:

Additional comments:

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: Mr. Township HN Range HE Section 30 1/4 SE 1/4 NW - 1/4 ac.
 Use: Township Range Section 1/4 1/4
 Use: Township Range Section 1/4 1/4
 Use: Township Range Section 1/4 1/4

Remarks: (Comments pertinent to field examination) See additional attachment

** Recommended at 1/4 acre for sprinkler system -
 decree is silent as to a duty of water. Could not
 contact claimants for a field exam.

C18, C03,

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED:

FIELD EXAMINER:

Print Name

Mel Schutte
 Signature

07/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 63-317B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	K GAIL RICHARDSON
Current Owner	RICHARD A STULL
	HC 33 BOX 2473
	BOISE, ID 83706
	(208)343-1091
Original Owner	EUGENE F PHILLIPS
Original Owner	LAVONNE PHILLIPS
	HC 33 BOX 2160
	BOISE, ID 83706
	(208)343-9380

Priority Date: 04/01/1896
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	0.3 CFS		
Total Diversion			0.3 CFS		

Location of Point(s) of Diversion:

ROBIE CREEK	NWNWNW	Sec. 30	Township 04N	Range 04E	BOISE County
ROBIE CREEK	SWSNW	Sec. 30	Township 04N	Range 04E	BOISE County
ROBIE CREEK	SESENW	Sec. 30	Township 04N	Range 04E	BOISE County

IRRIGATION Use:
Acre Limit: 13

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	04E	30		SENW	13									

Total Acres: 13

Remarks:

1. General P/D INCOMPLETE IN DECREE. 2 POINTS.
| NEW 1979 DECREE, SPLIT THE ORIGINAL DECREEED WATER RIGHT INTO 3 PORTIONS. AND
DESIGNATED 2 POD'S. A THIRD POD HAS BEEN ADDED FOR DIRECT PUMPING FROM ROBIE CREEK.
SEE ATTACHED COPY OF 1979 DECREE.
OWNERSHIP CHANGED BY LH 9/19/96.

Dates:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-317B

WATER RIGHT NUMBER: 63-317B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVONNE PHILLIPS
	, ID
Current Owner	EUGENE PHILLIPS
	, ID

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MITCHELL CREEK	ROBIE CREEK
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.300 CFS	
<u>Total Diversion:</u>		0.300 CFS	

Location of Point(s) of Diversion

ROBIE CREEK	Sec. 30, Twp 04N, Rge 04E, B.M.
BOISE County	
MITCHELL CREEK	Sec. 30, Twp 04N, Rge 04E, B.M.
BOISE County	

Place of UseIRRIGATION Within BOISE County

T04N R04E S30	NWNE	T04N R04E S30	NENW
T04N R04E S30	NWNW	T04N R04E S30	SWNW
T04N R04E S30	SENE		

Conditions of Approval:Remarks:

- General P/D INCOMPLETE. SEE DECREE. P/D AT THE CONFLUENCE OF MITCHELL CREEK & ROBIE CREEK.

Comments:Dates and Other Information:

1 of June 2, 1966, and a point of diversion approximately
2 100 feet westerly of the northeast corner of the property
3 described in Exhibit A.

4 6. Horst O. Biloschaetzke and Gisela S. Biloschaetzke
5 are entitled to the use of certain private waters located upon
6 the property described in Exhibit A for use upon their property
7 described in Exhibit C for domestic purposes for a single family
8 dwelling. The quantity of water shall be 1,200 gallons per day
9 with a maximum rate of diversion of 2 gallons per minute. The
10 water shall be diverted through a 1½ inch pipe which shall run
11 from the spring in a northwesterly direction to their residence.
12 The spring is located approximately 200 feet easterly from Robie
13 Creek and approximately 100 feet south of the northerly
14 boundary of the property described in Exhibit A. The
15 Biloschaetzkes are further awarded an easement for the purpose
16 of conveying the water across the property described in Exhibit A
17 along the course of that pipeline to their property described in
18 Exhibit B and for reasonable maintenance and repair of that pipe-
19 line.

20 Any excess water from that spring shall remain the private
21 property of the owner of the property described in Exhibit A.

22 7. A ditch easement shall exist across the property
23 described in Exhibit C for the benefit of and appurtenant to
24 the property described in Exhibit A for the purpose of conveying
25 up to 15 miners inches of water for the right which is determined
26 appurtenant to that property as described in Paragraph 3(a)
27 above. A similar ditch easement shall exist across the property
28 described in Exhibits A and C for the benefit of and appurtenant
to the property described in Exhibit B for the purpose of

1 conveying up to 15 miners inches of water for the right which
2 is determined appurtenant to the property as described in
3 Paragraph 3(b).

4 The ditch referred to above for which the total of 30
5 miners inches of water may be conveyed for the benefit of
6 the properties described in Exhibits A and B consists of a
7 single ditch which begins at the first point of diversion
8 described in the Afton Decree which is at a point approximately
9 716 feet east of the northwest corner of Section 30, Township 4
10 North, Range 4 East, Boise Meridian, Boise County, Idaho, and
11 proceeds generally southerly along the easterly side of the
12 properties described in Exhibit C and A to a point which is
13 approximately 200 feet northerly of the northeast corner
14 of the property described in Exhibit B at which point it runs
15 southwesterly approximately 200 feet to where it enters the
16 north boundary of the property described in Exhibit B.

17 The above ditch also serves the property described in
18 Exhibit C for the purpose of diverting the water for the right
19 described in Paragraph 3(c). The owners of the properties
20 described in Exhibits A and B shall have the right and privilege
21 of crossing along the easement for the purpose of maintaining
22 and repairing the ditch and supervising the conveyance of water
23 along the course of that ditch.

24 8. The properties described in Exhibits A and B are free
25 of any road or access easement for ingress and egress to the
26 property described in Exhibit C. No easement was ever
27 established for the benefit of the property described in Exhibit
28 C and any use of an access way or road for ingress and egress has
long since been abandoned. The property described in Exhibit C

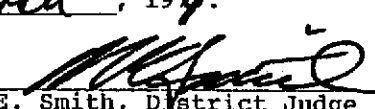
1 has as one of its boundaries the center line of the Boise County
2 Robie Creek Road and an access road from that road provides access
3 to and from the residence of Biloschaetzkes located on the property
4 described in Exhibit C.

5 9. Each of the parties, their agents, employees, attorneys,
6 servants, successors, and assigns whose appropriations of water
7 are confirmed herein, are perpetually enjoined and restrained
8 from converting the waters of Robie Creek and Mitchell Creek
9 and from the private spring referred to herein so as to in any
10 way interfere with the rights confirmed herein. The Defendants,
11 Horst O. Biloschaetzke and Gisela S. Biloschaetzke, their agents,
12 employees, attorneys, servants, successors, and assigns are
13 further enjoined and restrained from asserting a road or access
14 easement across the property described in Exhibits A and B and
15 restrained and enjoined from using the same for ingress and egress
16 to their property described in Exhibit C.

17 10. Each party, their agents, employees, attorneys, servants,
18 successors, and assigns are similarly restrained and enjoined
19 from interfering with the use of the ditch easement confirmed
20 herein across the property described in Exhibits A and C for the
21 purpose of conveying water rights as decreed herein to the
22 respective tracts and from interfering with the maintenance and
23 repair of that ditch and supervising the conveyance of water
24 along the same.

25 11. Neither party is awarded any damages against the
26 other as a result of this action and each party shall assume
27 their own attorney fees and costs herein.

28 DATED this 28th day of March, 1974.


W. E. Smith, District Judge

DECREE

-7-

MICROFILMED
OCT 24 1996

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 OLIN COOLEY and ROSEMARY COOLEY

5 A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30,
6 T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as
follows:

7 Commencing at the West $\frac{1}{4}$ section corner of Section 30, T.
4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to
8 the point of beginning; thence

9 North 77°09'30" East, 225.37 feet; thence
North 2°39'30" East, 167.84 feet to the center of Mitchell
10 Creek; thence following the center of Mitchell Creek the
following courses:

11 North 72°39'30" East, 74.52 feet;
North 59°21' East, 78.14 feet;
North 87°54' East, 49.89 feet;
12 North 58°06' East, 131.88 feet;
North 48°35' East, 178.50 feet;
13 North 70°31'40" East, 208.29 feet to the center of the
County Road; thence following the centerline of the
14 County Road the following courses:

15 South 14°48' West, 50.47 feet;
South 55°17' West, 216.80 feet;
South 17°03' West, 127.20 feet;
16 South 34°47' West, 131.70 feet;
South 11°22' West, 131.30 feet;
17 South 12°11' East, 91.60 feet; thence leaving the centerline
of the County Road and thence

18 South 89°06' West, 10.40 feet; thence
South 53°12' West, 95.50 feet, thence
19 South 39°57' West, 88.10 feet; thence
North 75°04' West, 341.36 feet, thence
20 North 32°11'30", West 140.00 feet to the point of beginning.

21 Contains 4.809 acres, more or less.

22
23
24
25
26
27
28 EXHIBIT A

MICROFILMED

OCT 24 1980

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 EUGENE PHILLIPS and LAVONNE PHILLIPS

5
6 Part of the NW 1/4 and Part of NW 1/4 NE 1/4 of
7 Section 30, T. 4 N., R. 4 E., B.M., Boise County,
Idaho, described as follows:

8 Beginning at a point on the half section line of
9 Section 30 which is North 89°12'30" East 2049.00
feet from the West 1/4 corner of Section 30, T.
4 N., R. 4 E., B.M., thence
10 North 27°30'30" West 130.04 feet to a point, thence
North 33°30'30" West 313.36 feet to a point, thence
11 North 6°50'30" West 173.96 feet to a point, thence
North 10°20'30" West 232.40 feet to a point, thence
12 North 29°39'30" East 166.76 feet to a point, thence
North 9°09'30" East 156.83 feet to a point, thence
13 North 7°15' East 46.20 feet to a point on the West
bank of Robie Creek, thence
14 South 72°57' East 15.86 feet to a point on the East
bank of an irrigation ditch, thence along said
east bank
15 South 20°49' East 35.83 feet to a point, thence
South 32°11'30" East 140.0 feet to a point, thence
16 South 75°04' East 341.36 feet to a point, thence
South 28°20' West 84.70 feet, thence
17 South 23°25' East 183.66 feet to a steel pin, thence
South 80°48' East 17.45 feet to a steel pin, thence
18 North 23°37'30" East 170.51 feet to a steel pin on
the North bank of a small irrigation ditch, thence
19 North 66°32'30" East 83.48 feet to a point on the
centerline of the County Road, thence along said
centerline
20 South 4°59'30" West 523.53 feet, thence
South 17°49' West 122.54 feet, thence
21 South 8°20'30" East 180.94 feet to a point on the
half section line of Section 30, thence along said
half section line
22 South 89°12'30" West 388.31 feet to the real place
of beginning.

23
24
25
26
27
28 EXHIBIT B

MICROFILMED

OCT 24 1996

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

Case No. 921

HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE

Beginning at the section corner common to Sections
19 and 30, T. 4 North, R. 4 East, B.M., and
Sections 24 and 25, T. 4 North, R. 3 East, B.M.,
thence
North 89°20' East 1027.50 feet along the section
line to a point, thence
South 22°06' East 164.50 feet to a point in the
centerline of the County Road, the real place
of beginning, thence
South 36°10' West 261.60 feet to a point on the
west bank of Robie Creek, thence along said west
bank South 27°23' East 167.11 feet, thence
South 46° 54' East 86.33 feet, thence
North 65°12' East 50.19 feet, thence
South 49°25' East 193.42 feet, thence
South 15°23' East 148.15 feet, thence
South 36°02' East 171.26 feet, thence
South 57°00' East 157.44 feet, thence
South 46°23' East 205.17 feet, thence
South 54°59' 30" East 167.76 feet,, thence
South 31°15' East 53.50 feet, thence
South 9°05' West 75.13 feet, thence
South 12°29' East 96.43 feet, thence
South 72°57' East 15.86 feet to a point on the
east bank of an irrigation ditch, thence along
said east bank South 20°49' East 35.83 feet to
a point, thence
North 77°09'30" East 225.37 feet to a point,
thence
North 2°39'30" East 167.84 feet to a point in the
centerline of Mitchel Creek, thence along said
centerline North 72°39'30" East 74.52 feet,
thence
North 59°21' East 78.14 feet, thence
North 87°54' East 49.89 feet, thence
North 58°06' East 131.88 feet, thence
North 48°35' East 178.50 feet, thence
North 70°31'40" East 208.29 feet to a point in the
centerline of the County Road, thence along said
centerline North 78°36' West 232.42 feet, thence
South 66°00' West 324.21 feet, thence
North 47°30' West 112.05 feet, thence
North 1°50' West 152.46 feet, thence
North 44°40' West 83.80 feet, thence
South 78°40' West 258.72 feet, thence
North 39°00' West 163.89 feet, thence
North 56°02' West 668.16 feet, thence
North 22°06' West 205.07 feet to the real place of
beginning. Said tract contains 14.509 acres more
or less.

State of Idaho }
County of Boise } SS.

E X H I B I T C

I hereby certify that the foregoing instru-
ment is a full true and correct copy of the
original on file in this office.

Dated March 8, 1989

ARLENE C. KOLAR, Clerk

By [Signature]
Deputy

MICROFILMED

001 2 *

4 2. All appropriations herein ordered, adjudged and decreed
5 are to be measured at the respective points of diversion as
6 hereinafter set forth.

7 3. The following-named parties to this action are entitled
8 to divert and use the waters of Robie Creek in Boise County, Idaho,
9 upon their respective tracts of land hereinafter described in the
10 following amounts and from the following dates and the same are
11 ordered, adjudged and decreed as follows:

12 ~~63-0317A~~ (a) To Plaintiffs, Olin Cooley and Rosemary Cooley,
13 husband and wife, for use upon and appurtenant to the
14 property described in Exhibit A which is attached hereto and
15 incorporated herein as if set out in full, fifteen miners
16 inches or 0.3 of a cubic foot per second with a priority of
17 April 1, 1896, and a point of diversion approximately 716
18 feet east of the northwest corner of Section 30, Township
19 4 North, Range 4 East, Boise Meridian, Boise County, Idaho.
20 During times of scarcity when the flow in Robie Creek at this
21 point of diversion is less than 50 miners inches or one cubic
22 foot per second, then 0.3 of the water available at that
point of diversion shall be for use on the property described
in Exhibit A.

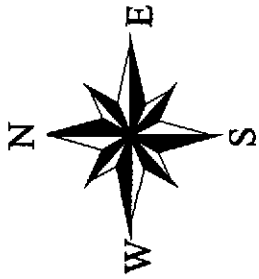
23 ~~63-0317B~~ (b) To Plaintiffs, Eugene Phillips and Lavonne Phillips,
24 husband and wife, for use on and appurtenant to the real
25 property described in Exhibit B which is attached hereto
26 and incorporated herein as if set out in full, fifteen
27

A63-00317B

miners inches or 0.3 of a cubic foot per second with a priority date of April 1, 1896, with two points of diversion; (1) approximately 716 feet east of the northwest corner of Section 30, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho, and (2) at the mouth of the confluence of Mitchell Creek and Robie Creek. Those Defendants may divert up to fifteen miners inches at either of the two points of diversion but shall not exceed 15 miners inches total between the two diversion points. During the times of scarcity when the flow of water in Robie Creek is less than 50 miners inches at the point of diversion described first above then the quantity of water to be diverted for this property shall be 0.3 of that existing at that point.

63-0317C (c) To the Defendants, Horst O. Biloschaetzke and Gisela S. Biloschaetzke, husband and wife, for use on and appurtenant to the real property described in Exhibit C which is attached hereto and incorporated herein as if set out in full, twenty miners inches of 0.4 of a cubic foot per second with a priority date of April 1, 1896, with two points of diversion; (1) approximately 716 feet east of the northwest corner of Section 30, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho, and (2) at a point on Robie Creek about 150 yards south of the above designated point of diversion. Those Defendants may divert water to satisfy this right out of either or both of the two points of diversion but shall not exceed 20 miners inches total between the two. During times of scarcity when the total quantity of water in Robie Creek is less than 50 miners inches at the first point of diversion described above then those

IDAHO DEPARTMENT OF WATER RESOURCES
T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-317B

OWNER(S) : RICHARDSON & STULL

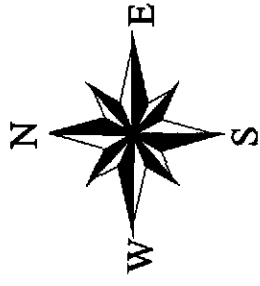
DATE: JANUARY 2, 2002

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

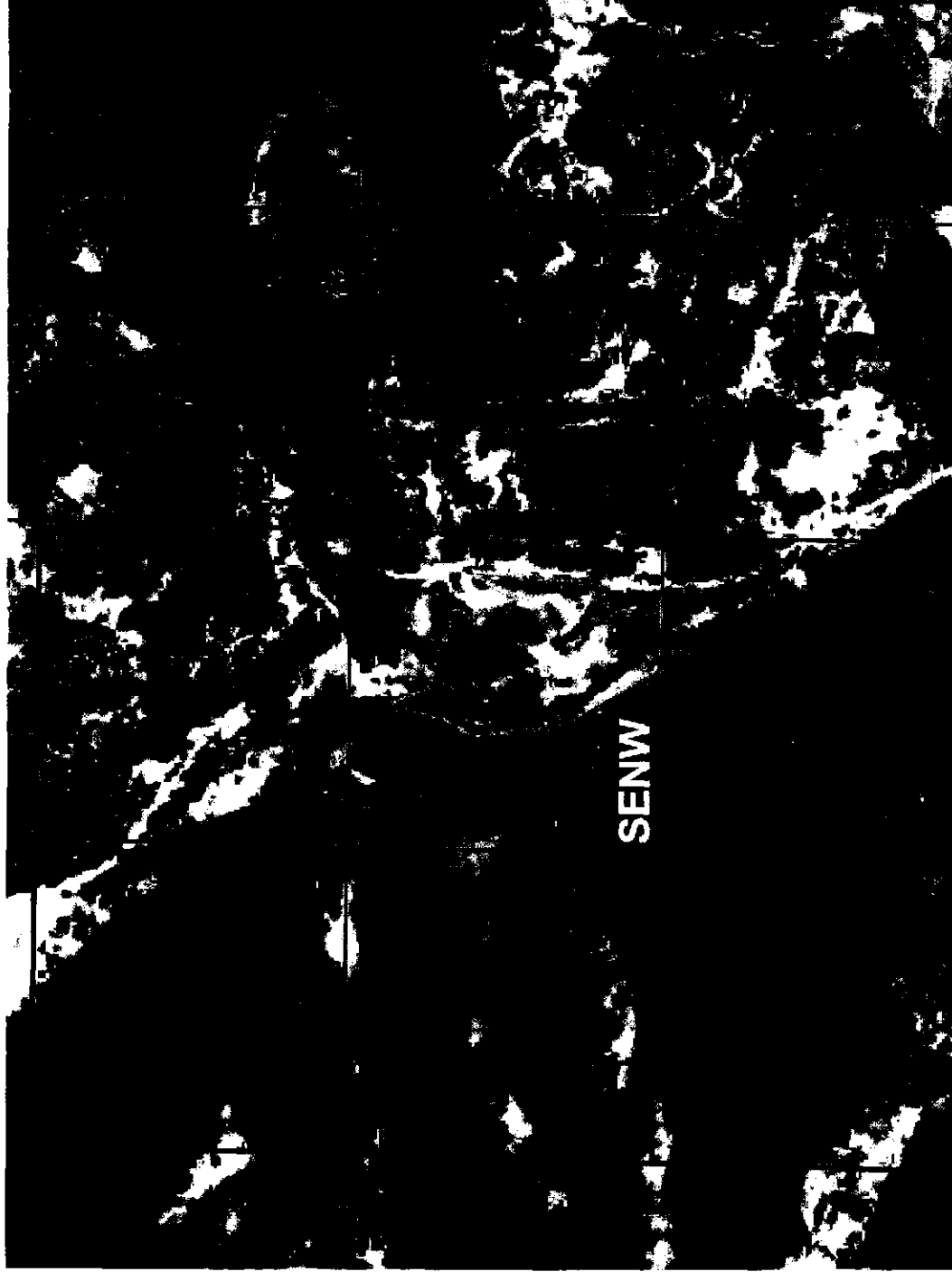
6 SECTION NUMBERS

CLAIM(S): 63-317B

OWNER(S) : RICHARDSON & STULL

DATE: JANUARY 2, 2002

by: Mel Schulte

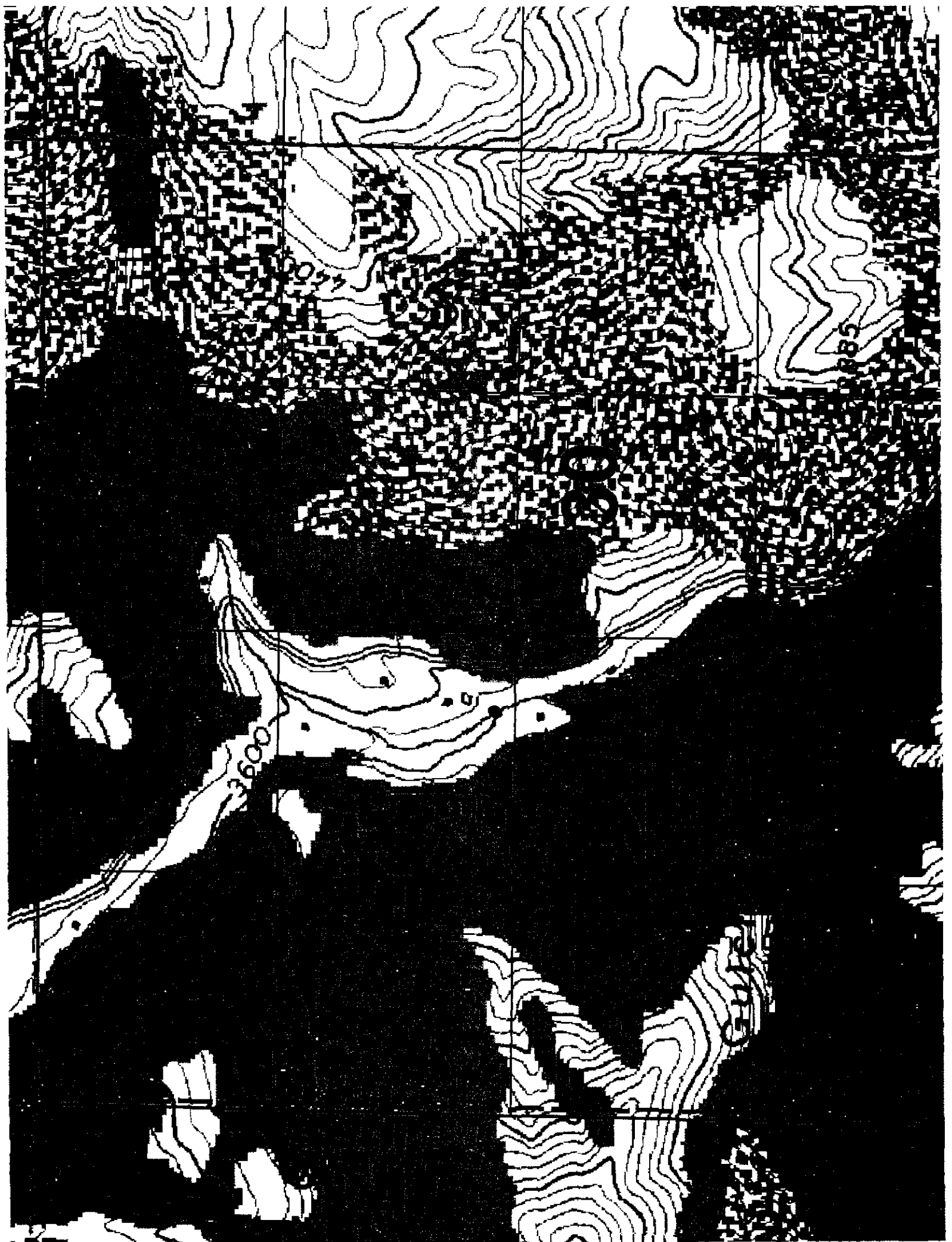


0.75 Miles

0.5

0.25

0





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2001

K GAIL RICHARDSON
11 ROBIE CREEK LN
BOISE ID 83716-3143

Re: Notice of Claim to a Water Right No. 63-317B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects your change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

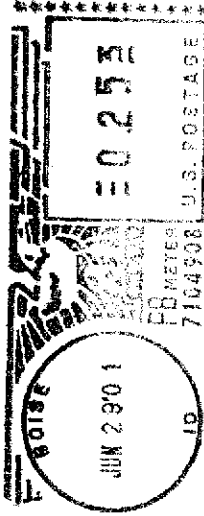
DB:db

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



K GAIL RICHARDSON
HC 33 BOX 2473
BOISE, ID 83706

RECEIVED

JUL 03 2001

WATER RESOURCES
WESTERN REGION

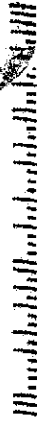
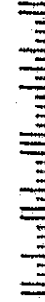


NO SUCH
ADDRESS

603-3176

Boise County Assessor → 235 Monument Dr.
Burbank WA 99323

5082



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

603-317 B

Boise City Assessor →
235 Monument Dr
Burbank WA 98003

RETURNED TO SENDER
NO SUCH ADDRESS

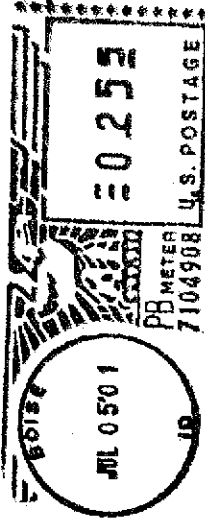
PRESSORT
FIRST CLASS

RECEIVED

JUL 09 2001

WATER RESOURCES
WESTERN REGION

RICHARD A STULL 63-317B
ROBIE CREEK WILDERNESS RANCH
BOISE ID 83706



63-317B/5082

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

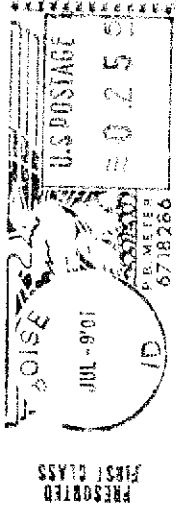
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

603-317 B

Address change letter

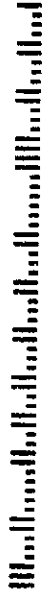
Sent 7/23/01



K GAIL RICHARDSON
235 MONUMENT DR
BURBANK WA 98003

RICH235 98003 2009 1601 10 07/13/01
RETURN TO SENDER
RICHARDSON, K GAIL
11 ROBBIE CREEK LN
BOISE ID 83716-3143
RETURN TO SENDER

33237863306





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 09 2000

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

K. Gail Richardson
Richard A. Stull
RR 6, Box 698
Pasco, WA 99301-9817

RE: Snake River Basin Adjudication (SRBA)
Water Rights #63-00317B and 63-15114

Dear Water Right Holders:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by April 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right number(s).

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right record(s).

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 19, 1996

Re: Notices of Claim to a Water Right Nos. A63-00317B, A63-15114

K GAIL RICHARDSON
RICHARD A STULL
HC 33 BOX 2473
BOISE ID 83706

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosure

MICROFILMED
OCT 24 1996

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

BO143704 01-12-94 2034

RECEIVED
JAN 17 1996
WATER RESOURCES
WESTERN REGION

EUGENE F OR LAVONNE PHILLIPS
HC 33 BOX 2160
BOISE ID

PHILO33 837062006 1A94 01/15/96
FORWARDING TIME EXPIRED
PHILLIPS
PO BOX 878
DONNELLY ID 83615-0878

RETURN TO SENDER

83706-9728

|||||

MICROFILMED
OCT 24 1996

06/11/96
Moo woad
Moo woad
Moo woad
Moo woad



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

rednt: kw
January 17, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Notice of Claim to a Water Right No. A63-00317B
(Previously Numbered A63-00317A)

Eugene F. &/or Lavonne Phillips
HC 33, Box 2160
Boise, ID 83706

Dear Mr. and Mrs. Phillips:

In a review of the above referenced claim that was submitted in the Snake River Basin Adjudication, I found that we had changed the identification number of the claim to A63-00317B and we had not informed you of this change. This number change was completed in order to make the adjudication claims consistent with the numbering system of existing water right records.

I also noticed, while reviewing your claim, that an error was made in the data entry. The place of use, identified on the map attached to your claim, is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 4E. The data entry of the claim identified the place of use within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 4E. I have corrected the computer records to show your place of use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 4N, Rge. 4E. Enclosed is a corrected copy of your claim and the map which led me to this determination. If you do not agree with this correction, please contact me within the next thirty days and I will take any action you feel necessary to correctly identify your water use.

If you have any questions in regard to the above, please do not hesitate to contact me at (208)334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED

OCT 24 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS

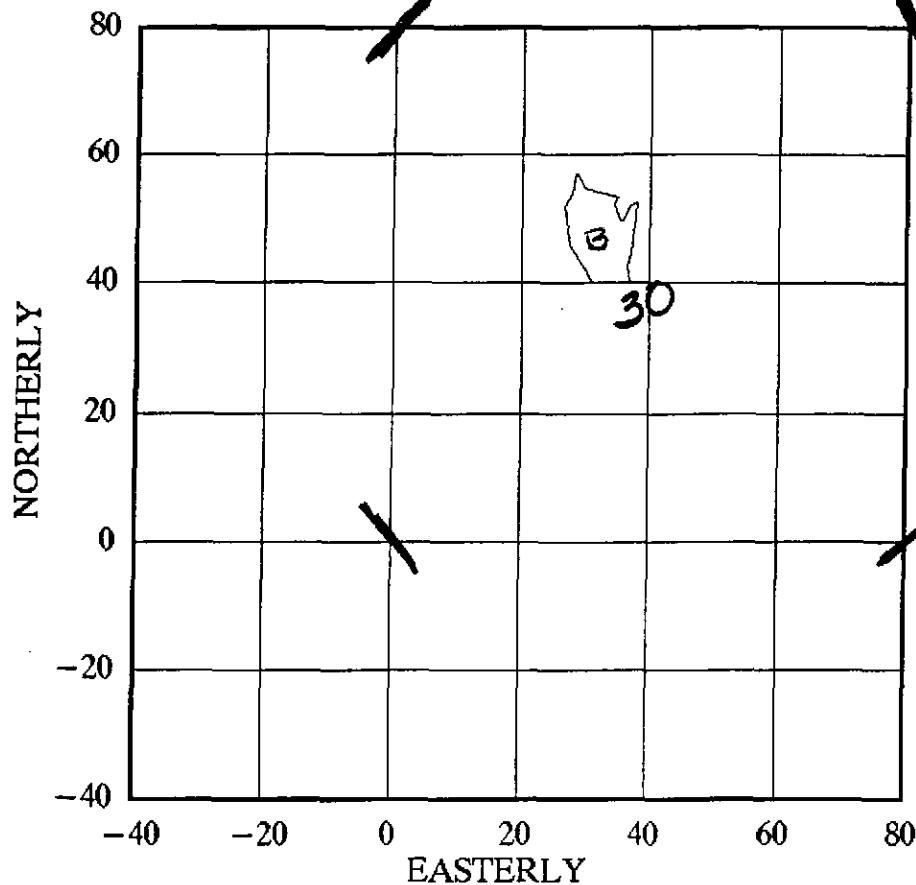


Exhibit B
kw-
(per metes &
bounds attached
to decree)

MICROFILMED

OCT 24 1966

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
-------	-------	-------	--	--	---------	-----------

DEGREES	MINUTES	SECONDS		
---------	---------	---------	--	--

31.05	40.00				
30.14	41.75	27.00	30.00	30.00 NW	130.04
27.52	45.71	33.00	30.00	30.00 NW	313.36
27.20	48.32	6.00	50.00	30.00 NW	173.96
26.57	51.79	10.00	20.00	30.00 NW	232.40
27.82	53.98	29.00	39.00	30.00 NE	166.76
28.20	56.33	9.00	9.00	30.00 NE	156.83
28.29	57.02	7.00	15.00	0.00 NE	46.20
28.52	56.95	72.00	57.00	0.00 SE	15.86
28.71	56.45	20.00	49.00	0.00 SE	35.83
29.84	54.65	32.00	11.00	30.00 SE	140.00
34.84	53.32	75.00	4.00	0.00 SE	341.36
34.23	52.19	28.00	20.00	0.00 SW	84.70
35.34	49.63	23.00	25.00	0.00 SE	183.66
35.60	49.59	80.00	48.00	0.00 SE	17.45
36.63	51.96	23.00	37.00	30.00 NE	170.51
37.79	52.46	66.00	32.00	30.00 NE	83.48
37.10	44.56	4.00	59.00	30.00 SW	523.53
36.53	42.79	17.00	49.00	0.00 SW	122.54
36.93	40.08	8.00	20.00	30.00 SE	180.94
31.05	40.00	89.00	12.00	30.00 SW	388.31

Phillips

MICROFILMED

OCT 24 1996

MEMO TO SRBA CLAIM FILE NO. A63-00317B

CLAIMANT'S NAME: Eugene F. Phillips

PHONE NO. 343-9380 DATE: March 20, 1990

FROM: Jeff Peppersack

This claim was originally filed under number A63-00317A on March 13, 1989. This claim has been renumbered as A63-00317B to match the 1979 decree and the water rights database.

Claimant will be notified to inform them of the number change.

Please see file correspondence for A63-00317A (Horst Biloschaetzke) for additional reference.

MICROFILMED

OCT 24 1996

~~MICROFILMED~~

~~AUG 17 1992~~

From: DWR03::SHAFF
To: DWR80::SHURTE
CC: SHAFF
Subj: A63-00317s

20-MAR-1990 09:46:41.97

Jeff has done some wrestling with Bilo's and Phillips' claims up on Robie Creek and has a reasonable solution for assignment of the suffixes. At this moment you will find both A & B on your region file for Phillips because I AJ3ed Phillips "initial" A to B today. On WR Bilo is an A and Phillips is a B. Up to now Jeff's A for Bilo is my region file because a A for Phillips beat him to the HOST. When Jeff's signed claim for Bilo's A got out there, it was AJ3ed to a B. Now I would like to swap suffixes around.

I was getting there just fine until I (!) got a NO PRIVILEGE FOR ATTEMPTED OPERATION on AJDEL. Would you AJDEL Phillips' A63-00317A on your region file today? The consequence of waiting is Phillips' A will get stuck on your file in the BAT UPD that is not really serious if you are swamped today. I bumped Phillips' A off the HOST so Bilo's A here will UPD. Thanx

MICROFILMED
OCT 24 1996