

2. That plaintiffs, defendants and cross-plaintiffs Frances Luttrell and Frances Luttrell, Executrix of the Estate of Silas Luttrell, deceased, and W. W. White and G. Josephine White, husband and wife, and Vance Pollett and Jean Pollett, husband and wife, own in fee simple the respective tracts of land set forth in their respective pleadings filed by the parties herein; that the defendants and cross-plaintiffs, Gerald Crisman and Dorothy Crisman, husband and wife, William L. McNeilly, and Harvey Burnett and Martha C. Burnett, husband and wife, are purchasers of the land described herein as claimed by them under valid contracts of purchase looking to their becoming owners in fee simple of said respective described pieces of property.

3. That all appropriations herein ordered, adjudged and decreed are to be measured at the respective points of diversion as hereinafter set forth.

4. That each and all of the parties to this action, or their predecessors in interest, whose rights are ordered, adjudged and decreed herein, did respectively appropriate, divert and apply to a beneficial use for irrigation and domestic purposes the quantities of water hereinafter stated on and from the dates respectively stated.

5. That the following-named parties to this action are entitled to divert and use the waters of Robie Creek in Boise County, Idaho, upon their respective tracts of land hereinafter described, in the following amounts and

from the following dates, and same are ordered, adjudged and decreed:

(a) To plaintiffs Earle H. Afton and Mabel

Afton, husband and wife, for use on and appurtenant to:

The East half of the ^{NW 2} Northeast quarter
and Lots 1 and 2, Section 30, Township
4 North, Range 4 East, Boise Meridian,

63 0317

fifty (50) inches, or one cubic foot per second of time,
with priority date of April 1, 1896; with points of diver-
sion approximately 716 feet East of the Northwest corner
of said Section 30, and 68 feet South of the Section Line
between said Section 19 and Section 30, in Township 4 North,
Range 4 East; and at a point on said Robie Creek about 150
yards South of the above-designated point of diversion;
and at the mouth of the confluence of the channel of
Mitchell Creek and said Robie Creek.

Verified to
be NW 1/4
Per field c.
of Quantin
Nesbitt 61

63 0318

(b) To defendants and cross-plaintiffs W. W.

White and G. Josephine White, husband and wife, 200 inches,
or four second-feet, of the waters of said Robie Creek, for
use on and appurtenant to the following described property:

Lot 4, Section 4;
Lot 1, SE 1/4 NE 1/4, Section 5, Township 3
North, Range 4 East, B.M.;
SE 1/4 SW 1/4, Section 29;
SE 1/4 SE 1/4, Section 30;
NE 1/4 NE 1/4, Section 31;
W 1/4 NW 1/4, E 1/4 SE 1/4, Lots 1, 3 and 5, Section 32;
SW 1/4 NW 1/4, Lot 1, W 1/4 SW 1/4, Section 33, Township
4 North, Range 4 East, Boise Meridian,
Boise County, Idaho

EXCEPTING THEREFROM THE FOLLOWING:

The E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Government Lot 1, all in Section 5, T. 3 N. R. 4 E. B. M., Boise County, Idaho.

Also that portion of Government Lot 4 in Section 4 of said township and range lying southwesterly of a line described as follows: Beginning at a point on the West line of said Section 4, said point lying 900 feet south of the Northwest corner thereof; thence South 41°30' East to the south line of said Lot 4 and a point of terminus of the above described line

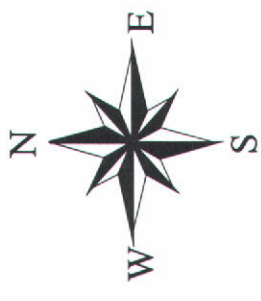
ALSO EXCEPTING THE FOLLOWING: All that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N. R. 4 E. B. M., and government Lot 4 in Section 4, T. 3 N. R. 4 E. B. M., Boise County, Idaho, lying East of a line described as follows: Commencing at the NW corner of said Section 4; thence South along the West line of Section 4 a distance of 900 feet; thence South 41°30' East to the South line of said Lot 4; thence East along the south line of Lot 4 a distance of 710 feet to the true point of beginning; thence North 16°15' West to a point on a south line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence West along said south line a distance of 100 feet; thence North parallel to the west line of said Section 33 to the north line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33 and point of terminus of the above described line;

with priority date of November 30, 1901; with point of diversion near the center of the Northeast quarter of the Northeast quarter of Section 31, Township 4 North, Range 4 East, Boise Meridian, at a point where the present highway crosses said Robie Creek, said land and water being under contract of sale by the said W. W. White and G. Josephine White to Harvey Burnett and Martha C. Burnett, dated December 1, 1960.

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S4 & S5

T04N, R04E, S32 & S33



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

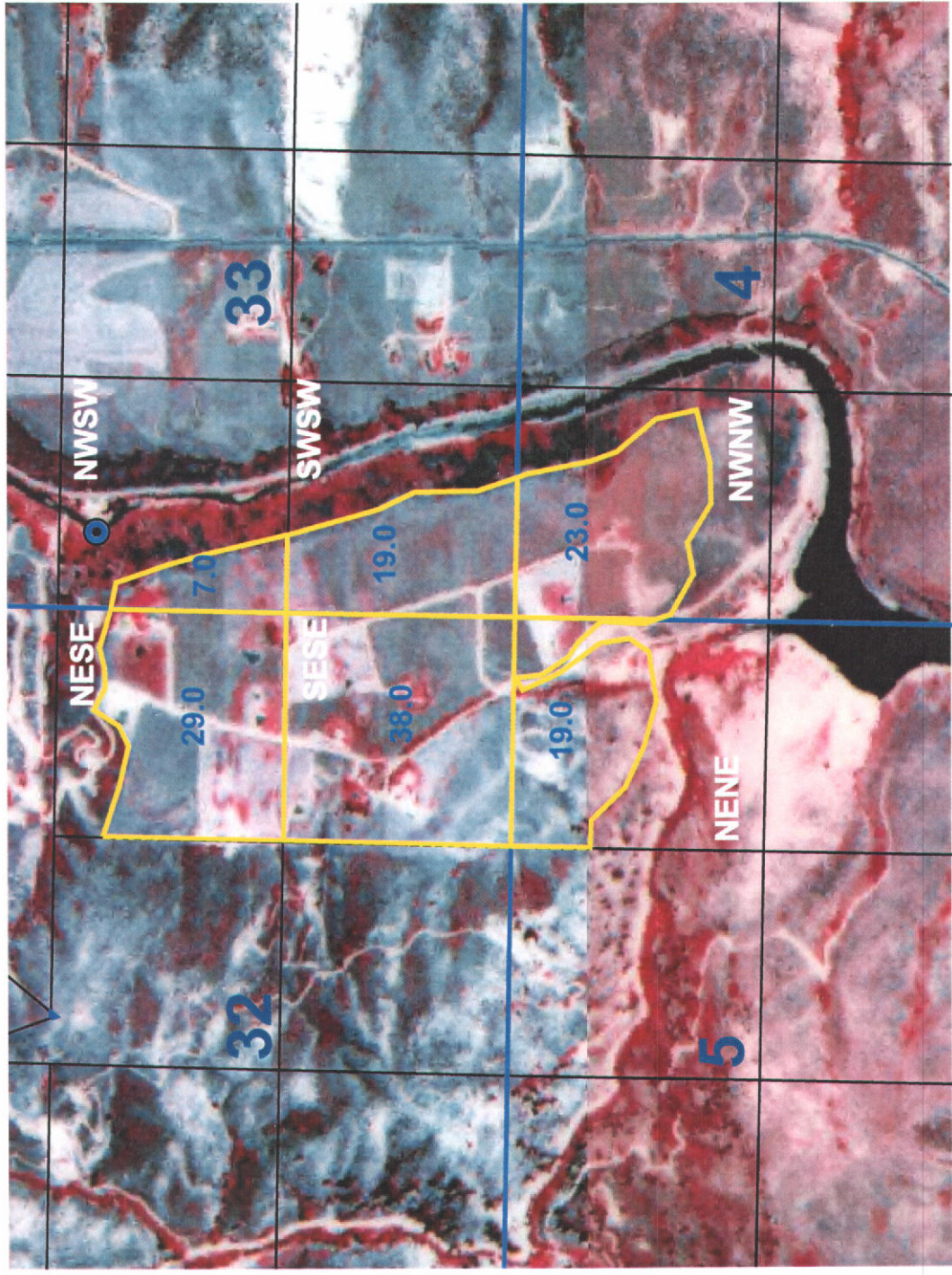
6 SECTION NUMBERS

CLAIM(S): 63-318A

OWNER(S) : RANCH SUBDIVISION

DATE: DECEMBER 20, 2001

by: Mel Schulte



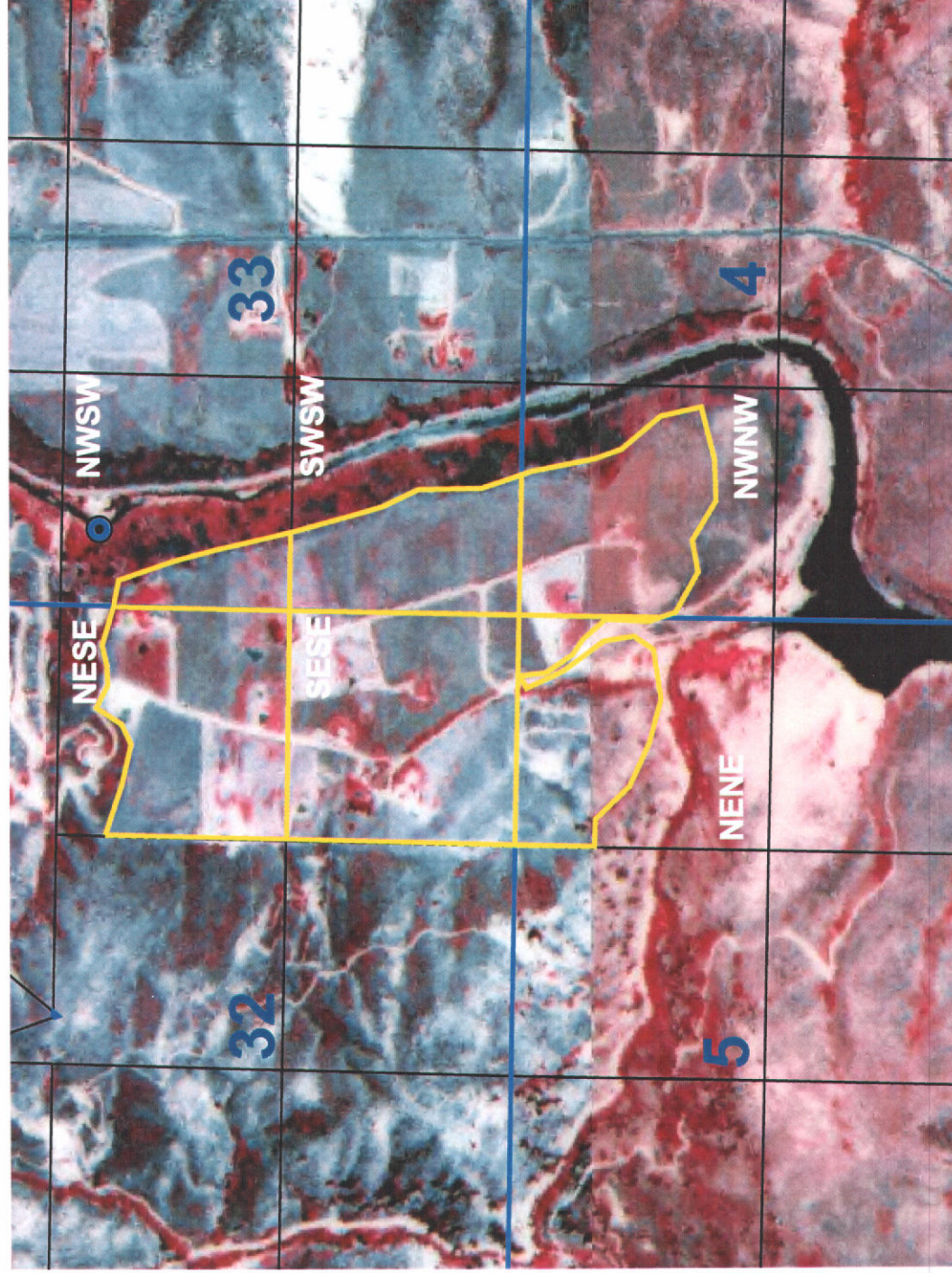
1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S4 & S5

T04N, R04E, S32 & S33



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

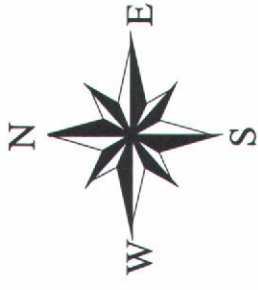
CLAIM(S): 63-318A

OWNER(S) : RANCH SUBDIVISION

DATE: DECEMBER 20, 2001

by: Mel Schulte

1.25 Miles



A63-318A

PHOTOS TAKEN: 09/07/2001



PHOTO #1
POINT OF DIVERSION
LOOKING WEST FROM
THE EAST SIDE OF
MORES CREEK



PHOTO ONE-

P/O on Mores
Creek looking upstream.

Pipe in lower part of
photo goes to pump
(photos 2 & 3).

Intake pipe is 15"
culvert.



PHOTO TWO-

Pump & 8" main line.



PHOTO THREE-

>

Closer view of pump & 8" mainline.

US motors

Holloskott model F217
Serial # 1278921
75 Hp, 1800 RPM

Pump

Layne & Bowker Verti-Line
1770 RPM
D00748

PHOTO FOUR-

SEE FILE 63-10771 FOR PLO mapping.

FL 12/21/90

MICROFILMED

AUG 17 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-318A
Date Received: 2/23/89
Receipt No: W002278
Received By:

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

1. Name of Claimant(s): RANCH SUBDIVISION PROPERTY OWNERS ASSN Phone: (208) 333-2039
26 BURNETT DR
BOISE ID USA 83716

2. Date of Priority: 11/30/1901

3. Source: MORES CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	33	NW SW	BOISE	

5. Description of diverting works:

LEVEE-16" INTAKE PIPE PUMPED TO POU, 70 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.4	

7. Total Quantity Appropriated is:
3.4 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
03N	04E	4	NW NW		IRRIGATION	28
					Section Acres	28
03N	04E	5	NE NE		IRRIGATION	29
					Section Acres	29
04N	04E	32	NE SE SE SE		IRRIGATION IRRIGATION	28 28
					Section Acres	56
04N	04E	33	NW SW SW SW		IRRIGATION IRRIGATION	29 28
					Section Acres	57
					Total Acres	170

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

HOMEOWNERS ASSOC
THIS WATER RIGHT IS BASED ON WR#63-02036 WHICH WAS SUPERCEDED BY 63-00318 IN DECREE OF 1962. THE AMOUNT OF 3.4 CFS(170") IS BASED ON AN ASSIGNMENT OF WATER FROM DEMAR BURNETT TO THE RANCH SUBDIVISION ASSOC. THE PRIORITY DATE IS TAKEN FROM 63-00318 THE POD WAS CHANGED FROM ROBIE CREEK TO MORES CREEK IN TRANSFER 254
Address change by DB 7/18/2001

15. Basis of Claim: Decreed

AUG 17 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 3.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	4E	32													28			28	
		33										29	28						
3N	4E	4					28												
		5	29																

Total number of acres irrigated 170

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes _____ No ☒

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (+)

14. Remarks: Homeowners Assoc.
This water right is based on WR# 63-02036 which was
superceded by 63-00318 in decree of 1962. The amount
of 3.4cfs (170") is based on an assignment of water from
DeMar Burnett to the Ranch Subd. Assoc. The priority date is
taken from 63-00318.

Last Name _____ Ident No. 63-00318 A

MICROFILMED
Copies: White -State Yellow-Claimant
AUG 17 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number 629 Decree Date 3-1962

Plaintiff vs Defendant Afton vs Luttrell etc.

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 9

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title

of Ranch Subdivision Property Owners Assoc., Inc. that I have signed the foregoing
Organization Inc.

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization President - Ranch Subdivision Property Owners Assoc. Inc. Date 2/23/89

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 23 day of Feb. 19 89

SEAL

Notary Public Linda Werner

Residing at Boise ID

My Commission Expires 12-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
AUG 17 1992

Ranch Subdivision Property Owners Association, Inc.....
26 Burnett Drive
Boise, ID 83716

RECEIVED

JUL 17 2001

**WATER RESOURCES
WESTERN REGION**

July 17, 2001

63-7781, -318A

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

Via facsimile 208/334-2348

Attn: Denise

RE: Change of address

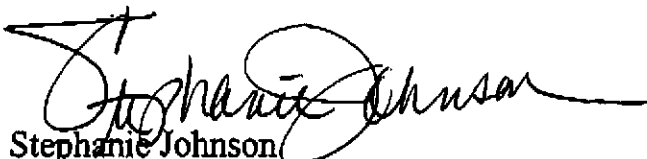
Dear Denise,

Please change the mailing address for **Ranch Subdivision Property Owners Association** from c/o Kung Han, 10 Andy Circle, Boise, ID 83716 to:

26 Burnett Drive, Boise ID 83716.

Thank you for your assistance. Please contact me at 333-2039 with any questions.

Sincerely,



Stephanie Johnson
Secretary/Treasurer

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: A63-00318A
Date Received: 2/23/1989
Receipt No: W002278
Received By: LM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RANCH SUB. PROPERTY OWNERS ASSN., INC. 208-345-2267
Address: C/O KUNG HAN
HC 33, BOX 1180
BOISE, ID 83706

2. Date of Priority: NOV 30, 1901

3. Source: MORES CR. Trib. to: BOISE R.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	33	NW	SW			BOISE

5. Description of diverting works:
LEVEE-16" INTAKE PIPE PUMPED TO POU, 70 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	4	NW	NW		IRR	28.0
Section Acres							28.0

A63-00318A

Page 1

Date: 02/28/89

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	5	NE	NE		IRR	29.0
						Section Acres	29.0
04N	04E	32	NE	SE		IRR	28.0
			SE	SE		IRR	28.0
						Section Acres	56.0
		33	NW	SW		IRR	29.0
			SW	SW		IRR	28.0
						Section Acres	57.0
						Total Acres	170.0

11. Place of use in counties: BOISE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

NONE

14. Remarks:

HOMEOWNERS ASSOC.

THIS WATER RIGHT IS BASED ON WR#63-02036 WHICH WAS SUPERCEDED BY 63-00318 IN DECREE OF 1962. THE AMOUNT OF 3.4 CFS(170") IS BASED ON AN ASSIGNMENT OF WATER FROM DEMAR BURNETT TO THE RANCH SUBDIVISION ASSOC. THE PRIORITY DATE IS TAKEN FROM 63-00318. THE POD WAS CHANGED FROM ROBIE CREEK TO MORES CREEK IN TRANSFER 254.

15. Basis of Claim: DECREED

Case Number: 629

Court :

Decree date: 3/23/1962

AFTON

Decree Plaintiff

vs

LUTTRELL

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 _____

08/12/2003

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

RIGHT NUMBER: 63-318A

NAME AND ADDRESS: RANCH SUBDIVISION PROPERTY OWNERS ASSN
26 BURNETT DR
BOISE ID 83716

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2.700 CFS

PRIORITY DATE: 11/30/1901

POINT OF
DIVERSION: T04N R04E S33 NWSW 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	2.700 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 63 Water Master 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

T03N R04E S04	NWNW	23.0	T03N R04E S05	NENE	19.0
T04N R04E S32	NESE	29.0	T04N R04E S32	SESE	38.0
T04N R04E S33	NWSW	7.0	T04N R04E S33	SWSW	19.0

135 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: BASIS OF CLAIM - Decreed

03/17/2004

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

RIGHT NUMBER: 63-318A

NAME AND ADDRESS: RANCH SUBDIVISION PROPERTY OWNERS ASSN
32 BURNETT DR
BOISE ID 83716

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 2.700 CFS

PRIORITY DATE: 11/30/1901

POINT OF DIVERSION:

T04N R04E S33 NWSW 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	2.700 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T03N R04E S04	NWNW	23.0	T03N R04E S05	NENE	19.0
T04N R04E S32	NESE	29.0	T04N R04E S32	SESE	38.0
T04N R04E S33	NWSW	7.0	T04N R04E S33	SWSW	19.0

135 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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 MAR 12 AM 10 02

*File
#1091*

53-00311A

Snake River Adjudication:

Please update your records for notifications to

RANCH SUBDIVISION PROPERTY
OWNERS ASSN
26 BURNETT DR
BOISE, ID 83716

32

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 63-318A
(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: Ranch Subdivision Property Owners Assn

Address: 26 Burnett Dr
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):

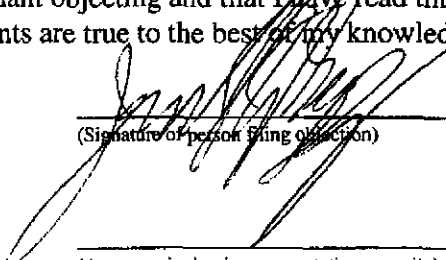
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions 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)

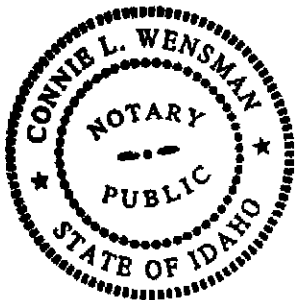
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003



Connie L. Wensman
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: Ranch Subdivision Property Owners Assn

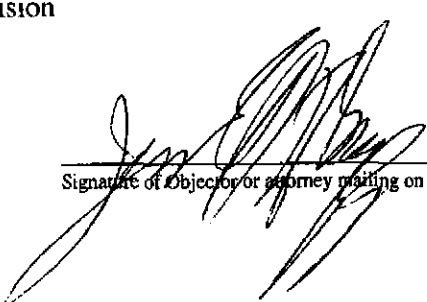
Address: 26 Burnett Dr
Boise, ID 83716

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

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)

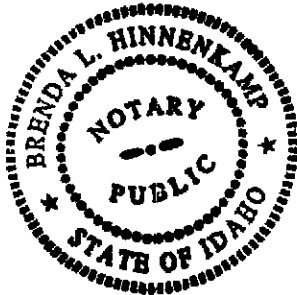
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 D

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
Curner 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

Marvenna 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
Dwaine 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

IDAHO DEPARTMENT OF WATER RESOURCES 12/20/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-318A

NAME AND ADDRESS: RANCH SUBDIVISION PROPERTY OWNERS ASSN
26 BURNETT DR
BOISE ID 83716

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 2.70 CFS

PRIORITY DATE: 11/30/1901

POINT OF DIVERSION:

T04N R04E S33 NWSW 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	2.700 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T03N R04E S04	NWNW	23.0	T03N R04E S05	NENE	19.0
T04N R04E S32	NESE	29.0	T04N R04E S32	SESE	38.0
T04N R04E S33	NWSW	7.0	T04N R04E S33	SWSW	19.0

135 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

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

CLAIM NO(s). A63-318A

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
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: 11-30-1901
(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:

- Source changed from Ruby to Mores Creek
in order dated 12-20-1961
4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Water is pumped to a pressurized mainline
system with a 75hp pump near the POD

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

* Use IRR - From 3-15 To 11-15 Amount 2.70 CFS 3.40 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 2.70 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: IRR Township 3N Range 4E Section 4 1/4 NW 1/4 NW - 23ac
Use: " Township " Range " Section 5 1/4 NE 1/4 NE - 19
Use: " Township 4N Range 4E Section 32 1/4 NE 1/4 SE - 29
Use: " Township " Range " Section 11 1/4 SE 1/4 SE - 38
" " " " " 33 NW SW - 7
" " " " " SW SW - 19

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

* Decree does not specify a season of use.

** POU acres are based on GIS estimates

*** Decree has no duty of water, an inch/acre is claimed and the delivery system is a pressurized sprinkler system. No conveyance
CFS -

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-7-2001

FIELD EXAMINER:

Print Name

Signature

loss is justified. Recommendation
is 1" / acre.

Split Tree 63-318

63-318 (Per Water right records)

DR: 4.0 cfs Source: Robie Creek

POD: 4N, 4E, S31, NENE

*** PO4: 3N, 4E, S4, NWNW

S5, NENE, SENE

4N, 4E, S29, SWSW, SESW

S30, SESE

S31, NENE

S32, SENE, NESE, SESE

NENW, NWNW, SWNW, SENW

S33, SWNW, NWSW, SWSW

A63-318-A n/o Ranch Sub. Prop. Owners

DR: 3.4 * Source: Mous Creek

* POD: 4N, 4E, S33, NWSW

PO4: 3N, 4E, S4, NWNW-28ac

S5, NENE-29ac

4N, 4E, S32, NESE-28 SESE-28

S33, NWSW-29 SWSW-28 170 acres

A03-318B N/O Blue Jay Creek Water

* DR: .09 cfs * Source: Mores Creek

POD: 4N, 4E, S33, SWNW

POU: 4N, 4E, S32, SENE - 1 ac

S33, SWNW - 2 ac.

A03-318C N/O Lewis / Mountain Meadow Church

DR: .40 cfs Source: Mores Creek + Spring

** POD: 4N, 4E, S29, 41 NESENE = Spring
S33, SWNW = Mores Creek

** POU: 4N, 4E, S33, NWNW - 16 SWNW - 4

** T3046 added spring and transferred
irrigation of 7.5 ac to the NWNW and 5 ac. to
the SWNW, S33.

*** The decree is ambiguous as to the number of
acres irrigated

①

Vol 6 p 1163
MAR 20 1962 File 12-0-1
63-L

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

EARLE H. AFTON and
MADEL AFTON, husband
and wife,

Plaintiffs,

vs.

FRANCES LUTTRELL, and FRANCES
LUTTRELL, Executrix of the
Estate of SILAS LUTTRELL,
deceased; VANCE POLLETT and
JEAN POLLETT, husband and
wife; GERALD CRISMAN and
DOROTHY CRISMAN, husband and
wife; WILLIAM L. McNEILLY;
and HARVEY BURNETT and MARTHA C.
BURNETT, husband and wife, and
W. W. WHITE and G. JOSEPHINE
WHITE, husband and wife,

Defendants and
Cross-Plaintiffs.

IN THE DISTRICT COURT
BOISE COUNTY, IDAHO

Filed March 23, 1962 10:00 A.M.
Katherine M. Brown CLERK
By Raymond L. Givens DUTY

Civil No. 629

DECREE

The above-entitled cause coming on regularly to
be heard and considered at a pre-trial conference on the
2nd day of March, 1962, being heard in Chambers at Boise
by agreement of counsel and with the consent of the Court,
the plaintiffs being represented by Raymond L. Givens of
the firm of Givens, O'Leary, Doane & Givens; the defendants
and cross-plaintiffs Frances Luttrell and Frances Luttrell,
Executrix of the Estate of Silas Luttrell, deceased, and
Gerald Crisman and Dorothy Crisman, husband and wife, being
represented by C. Ben Martin; the defendants and cross-

plaintiffs Vance Pollett and Jean Pollett, husband and wife, being represented by Louis H. Cosho of the firm of Cosho & Humphrey; the defendant and cross-plaintiff William L. McNeilly being represented by Sumner Delana; and the defendants and cross-plaintiffs, Harvey Burnett and Martha C. Burnett, husband and wife, and W. W. White and G. Josephine White, husband and wife, being represented by E. Reed Millar of the firm of Millar, Callister & Marsh.

WHEREUPON, Pursuant to Rule 10 of the Supplemental Local Rules of the District Court of the Third Judicial District, covering Boise County, it was agreed and stipulated by the respective parties that a decree be entered in accordance with and for the amounts and priorities as agreed upon and set forth in the Pre-Trial Order following said conference, dated March 5, 1962, and signed by the Honorable Merlin S. Young, Judge of said Court, and that the summation of supporting findings of fact and conclusions of law need be set forth only in the decree herein and any other findings or conclusions are waived.

NOW, THEREFORE, by reason of said conference and stipulation and ensuing agreement and the files and records of the case herein, and the pre-trial order, the Court being fully advised in the premises, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That all the lands owned or claimed by the respective parties hereto are arid in nature and require irrigation for the proper cultivation thereof and raising of crops thereon.

2. That plaintiffs, defendants and cross-plaintiffs Frances Luttrell and Frances Luttrell, Executrix of the Estate of Silas Luttrell, deceased, and W. W. White and G. Josephine White, husband and wife, and Vance Pollett and Jean Pollett, husband and wife, own in fee simple the respective tracts of land set forth in their respective pleadings filed by the parties herein; that the defendants and cross-plaintiffs, Gerald Crisman and Dorothy Crisman, husband and wife, William L. McNeilly, and Harvey Burnett and Martha C. Burnett, husband and wife, are purchasers of the land described herein as claimed by them under valid contracts of purchase looking to their becoming owners in fee simple of said respective described pieces of property.

3. That all appropriations herein ordered, adjudged and decreed are to be measured at the respective points of diversion as hereinafter set forth.

4. That each and all of the parties to this action, or their predecessors in interest, whose rights are ordered, adjudged and decreed herein, did respectively appropriate, divert and apply to a beneficial use for irrigation and domestic purposes the quantities of water hereinafter stated on and from the dates respectively stated.

5. That the following-named parties to this action are entitled to divert and use the waters of Robie Creek in Boise County, Idaho, upon their respective tracts of land hereinafter described, in the following amounts and

from the following dates, and same are ordered, adjudged and decreed:

(a) To plaintiffs ~~_____~~ and ~~_____~~

~~_____~~, husband and wife, for use on and appurtenant to:

The East half of the ^{NW 2} Northeast quarter and Lots 1 and 2, Section 30, Township 4 North, Range 4 East, Boise Meridian,

Verified to be NW 1/4 Per field of Quentin Nesbitt 6/

63 0317

fifty ~~_____~~, or one cubic foot per second of time, with priority date of April 1, 1896; with points of diversion approximately 716 feet East of the Northwest corner of said Section 30, and 68 feet South of the Section Line between said Section 19 and Section 30, in Township 4 North, Range 4 East; and at a point on said Robie Creek about 150 yards South of the above-designated point of diversion; and at the mouth of the confluence of the channel of Mitchell Creek and said Robie Creek.

63 0318

(b) To defendants and cross-plaintiffs ~~_____~~

~~_____~~, husband and wife, ~~_____~~ or four second-feet, of the waters of said Robie Creek, for use on and appurtenant to the following described property:

Lot 4, Section 4;
Lot 1, SE 1/4 NE 1/4, Section 5, Township 3 North, Range 4 East, B.M.;
S 1/4 SW 1/4, Section 29;
SE 1/4 SE 1/4, Section 30;
NE 1/4 NE 1/4, Section 31;
W 1/4 NW 1/4, E 1/4 SE 1/4, Lots 1, 3 and 5, Section 32;
SW 1/4 NW 1/4, Lot 1, W 1/4 SW 1/4, Section 33, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho

EXCEPTING THEREFROM THE FOLLOWING:

The E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$; the SE $\frac{1}{2}$ and the NE $\frac{1}{2}$ SW $\frac{1}{4}$ of Government Lot 1, all in Section 5, T. 3 N. R. 4 E. B. M., Boise County, Idaho.

Also that portion of Government Lot 4 in Section 4 of said township and range lying southwesterly of a line described as follows: Beginning at a point on the West line of said Section 4, said point lying 900 feet south of the Northwest corner thereof; thence South 41°30' East to the south line of said Lot 4 and a point of terminus of the above described line

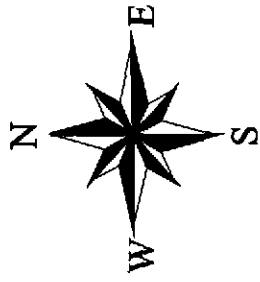
ALSO EXCEPTING THE FOLLOWING: All that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N. R. 4 E. B. M., and government Lot 4 in Section 4, T. 3 N. R. 4 E. B. M., Boise County, Idaho, lying East of a line described as follows: Commencing at the NW corner of said Section 4; thence South along the West line of Section 4 a distance of 900 feet; thence South 41°30' East to the South line of said Lot 4; thence East along the south line of Lot 4 a distance of 710 feet to the true point of beginning; thence North 16°15' West to a point on a south line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence West along said south line a distance of 100 feet; thence North parallel to the west line of said Section 33 to the north line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33 and point of terminus of the above described line;

with priority date of November 30, 1901; with point of diversion near the center of the Northeast quarter of the Northeast quarter of Section 31, Township 4 North, Range 4 East, Boise Meridian, at a point where the present highway crosses said Robie Creek, said land and water being under contract of sale by the said W. W. White and G. Josephine White to Harvey Burnett and Martha C. Burnett, dated December 1, 1960.

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S4 & S5

T04N, R04E, S32 & S33



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-318A

OWNER(S) : RANCH SUBDIVISION

DATE: DECEMBER 20, 2001

by: Mel Schulte



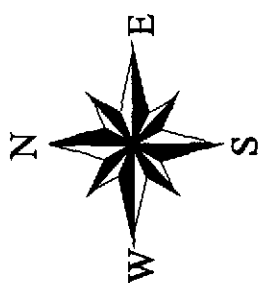
0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S4 & S5

T04N, R04E, S32 & S33



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-318A

OWNER(S) : RANCH SUBDIVISION

DATE: DECEMBER 20, 2001

by: Mel Schulte



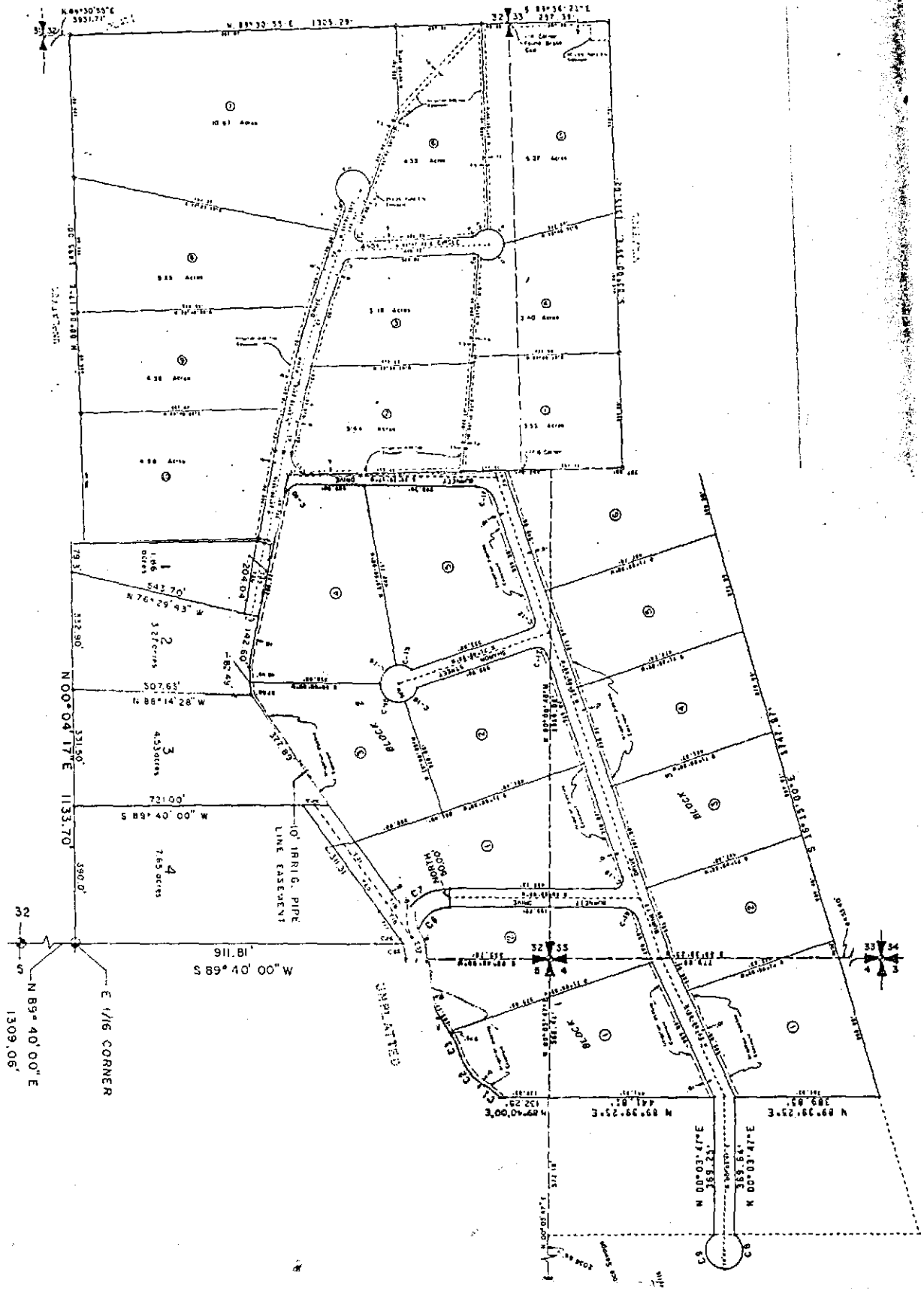
0 0.25 0.5 0.75 1 1.25 Miles



THE RANCH SUBDIVISION NO. 2

49.2

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or resurvey.

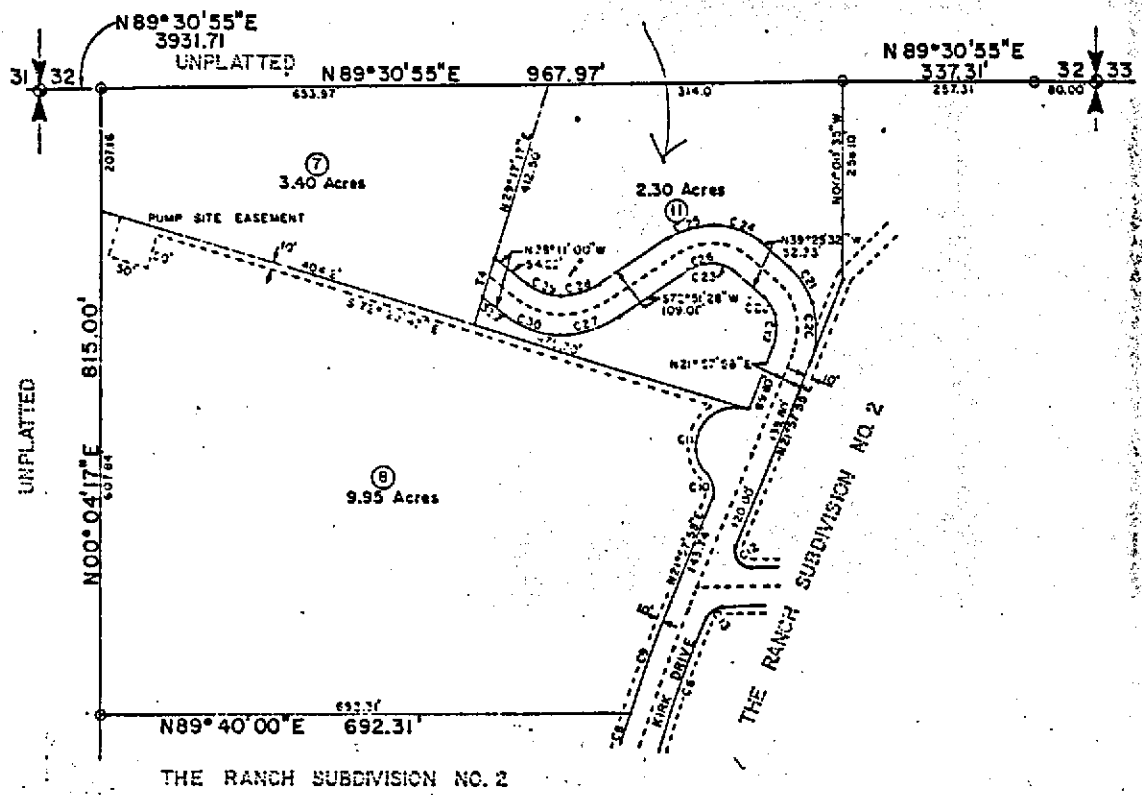


63-10771

THE RANCH SUBDIVISION NO. 2

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the surveyor assumes no liability for variance, if any, with amended or re-survey.

2 of 2 -
amended to add
to lot 11



A63-318A

PHOTOS TAKEN: 09/07/2001

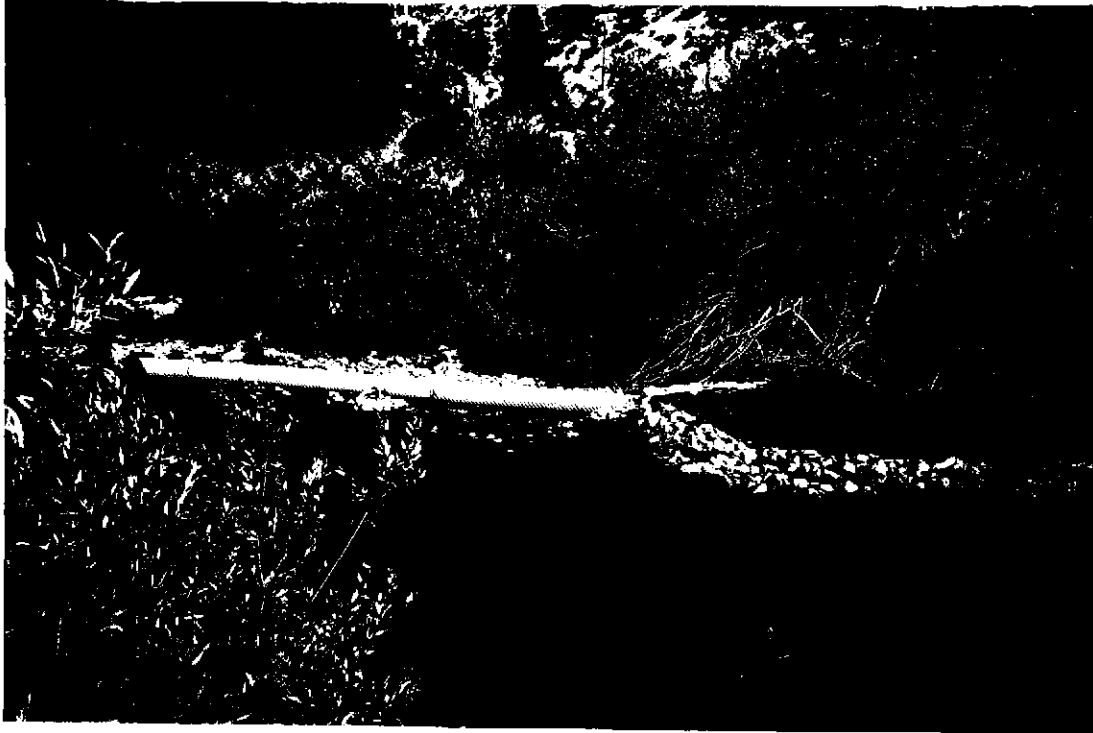


PHOTO #1
POINT OF DIVERSION
LOOKING WEST FROM
THE EAST SIDE OF
MORES CREEK

CLAIM

Permit A63-00318A

Photos taken 10/30/90

Pg 1 of 2



PHOTO ONE-

>

P/O on mores
Creek looking upstream.

Pipe in lower part of
photo goes to pump
(photos 2 & 3).

Intake pipe is 15"
culvert.

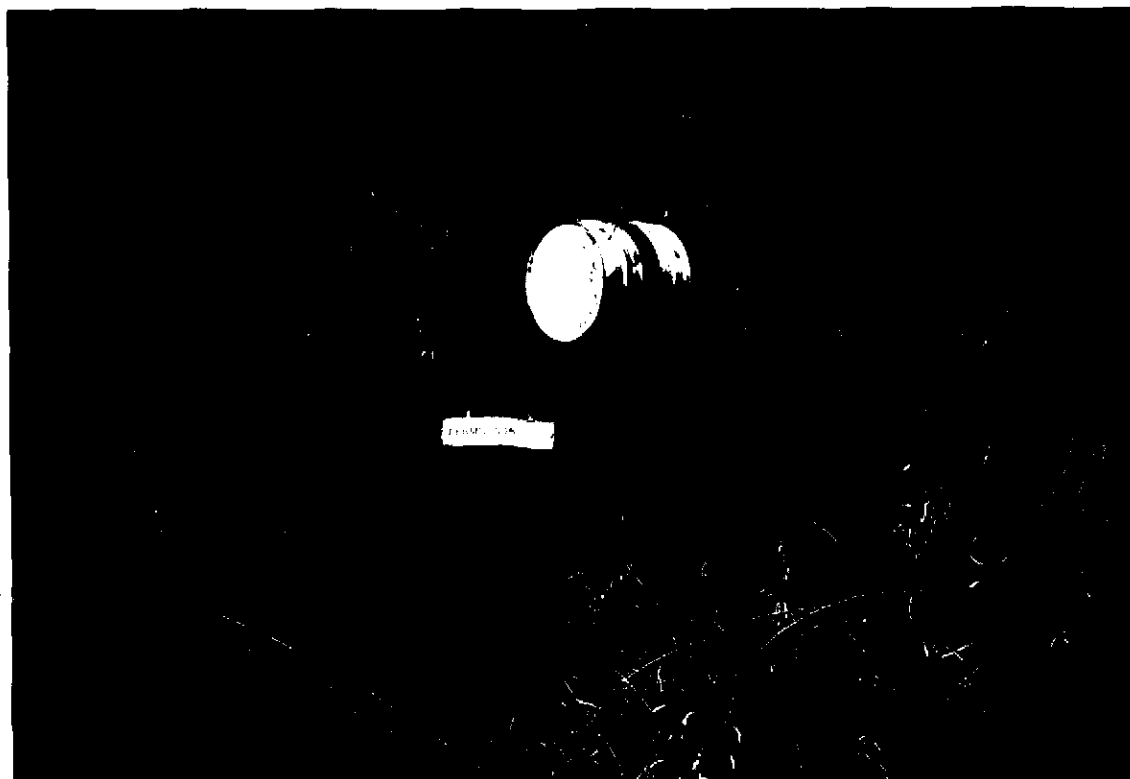


PHOTO TWO-

Pump & 8" mainline.

MICROFILMED

AUG 17 1992

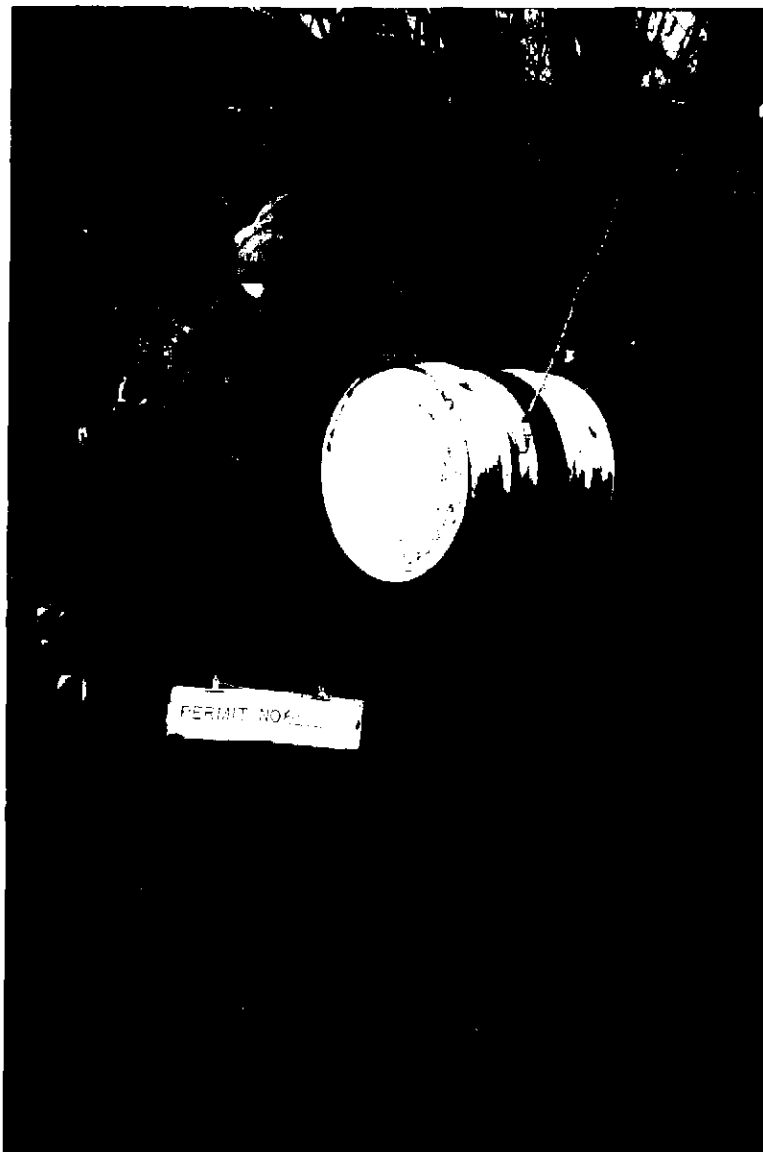


PHOTO THREE-

>

Closer view of pump & 8" mainline.

US motors Hollasht model F217
Serial # 1278921
75 Hp, 1800 RPM

Pump. Layne & Bowker Verti-Line
1770 RPM
D00748

~~PHOTO FOUR~~

SEE FILE 63-10771 FOR P/D mapping.

JL 12/21/90

MICROFILMED

AUG 17 2002

[illegible]

Type	WR #	Owner	Source	TRIS	NEN	NWN	SWNI	SEN	NENI	SWNI	SENI	NWSV	SESV	NES	NWS	SWS	SES	Total
Right	63 7037	DON L JONES, RUTH C JONES,	BLUE JAY CREEK, SPRING	4N04E32				1										1
Clear	63 7037	BLUE JAY CREEK WATER & ROAD USERS	BLUE JAY CREEK, SPRING	4N04E32				1										1
Clear	63 318A	RANCH SUBDIVISION PROPERTY OWNERS	MORES CREEK	4N04E32										28			28	56
Clear	63 318B	BLUE JAY CREEK WATER & ROAD USERS	MORES CREEK	4N04E32														1
Right	63 318	W W WHITE, JOSEPHINE G WHITE,	ROBIE CREEK	4N04E32				X	X	X				X			X	0
Clear	63 5161C	STERLING TURNER, DEBBIE TURNER,	SPRING	4N04E32								20						20
Right	63 10021	DONALD R BROTHERS, JUDITH F BROTHERS	UNNAMED STREAM	4N04E32										3.1				3.1
Right	63 5161	LESTER HOOVER,	UNNAMED STREAMS	4N04E32								20						20



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 18, 2001

RANCH SUBDIVISION PROPERTY OWNERS ASSN
26 BURNETT DR
BOISE ID 83716

Re: Notice of Claim to a Water Right No. 63-318A & 63-7781

Dear Claimant(s):

Enclosed are copies of the above referenced claims, which reflect the change in address.

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.

Thank you for your patience and cooperation, as we have had several ownership and address changes to process. If you have any questions concerning the enclosed claims, 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

RECEIVED

OCT 17 1975

ASSIGNMENT

Department of Water Resources

FOR VALUE RECEIVED, the undersigned DeMar C. Burnett and Sharon J. Burnett, husband and wife, hereby assign, transfer and set over to the Ranch Water Users Association, Inc., an Idaho corporation, its successors and assigns, all of their right, title and interest in and to the following:

150 in

All irrigation and water rights acquired by DeMar C. Burnett and Sharon J. Burnett pursuant to the terms of that certain Warranty Deed dated June 29, 1967 recorded as instrument No. 72055, records of Boise County, Idaho; said water and water rights being a portion, namely 3.0 c.f.s. (150 inches), of the total water right of 4.0 c.f.s. (200 inches) granted by the State of Idaho under Water License No. 1968 with a priority of May 1, 1906.

This Assignment is made upon the express condition that the water and water rights conveyed are only those set out herein and that this assignment does not affect any other water or water rights of the assignors.

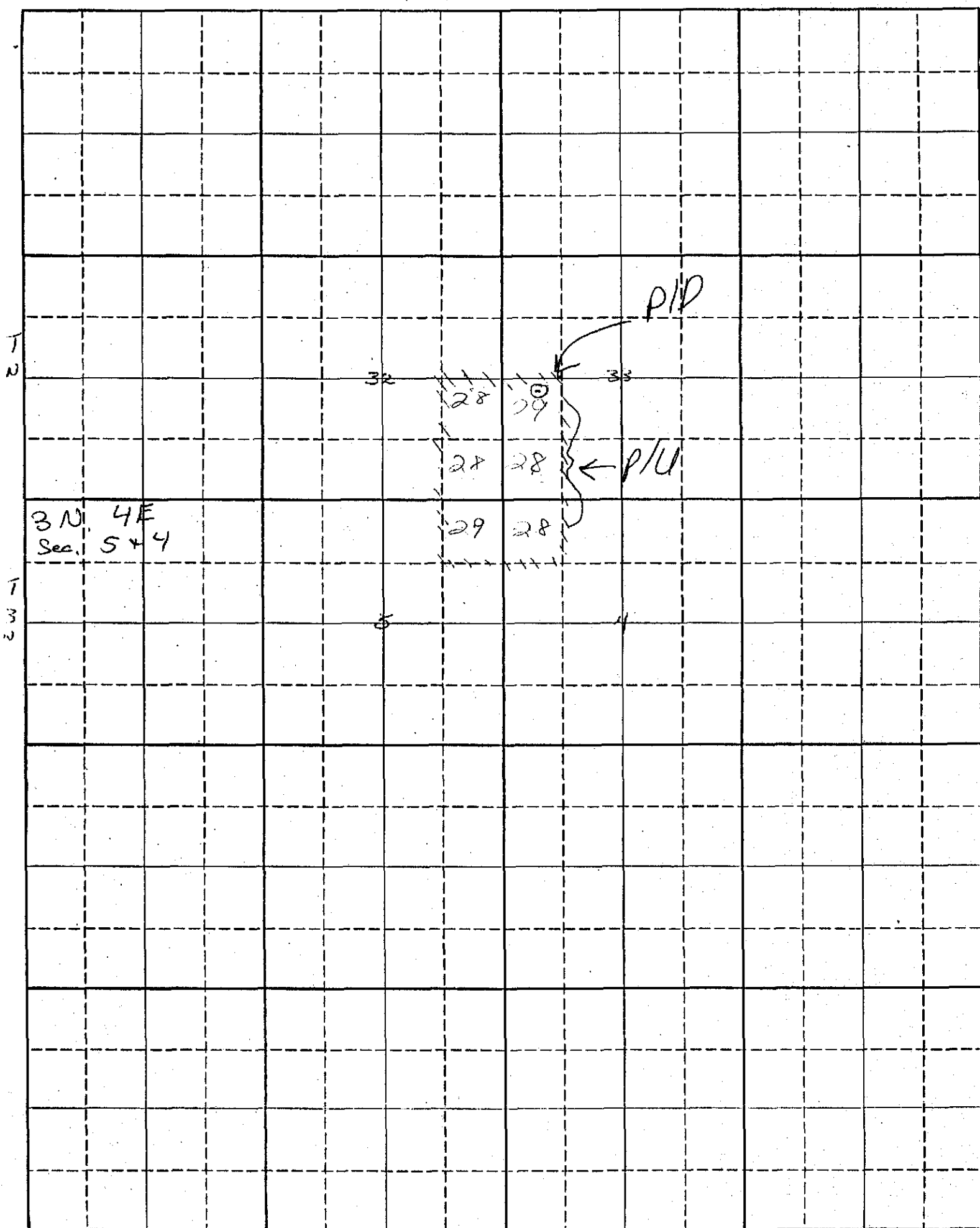
IN WITNESS WHEREOF, we have hereunto caused our hands to be set this 15 day of October, 1975.

DeMar C. Burnett
DeMar C. Burnett

Sharon J. Burnett
Sharon J. Burnett

T 4N, R 4E, Sec. 32 & 33

R4E



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

W. M. F. Smith
(Applicant)

613 7754

RECEIVED

DEC 29 1975

Department of Water Resources

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned, DeMar C. Burnett and Sharon J. Burnett, husband and wife, hereby assign, transfer and set over to the Ranch Water Users' Association, Inc., an Idaho corporation, its successors and assigns, all of their right, title and interest in and to the following:

Don
All irrigation and water rights acquired by DeMar C. Burnett and Sharon J. Burnett, pursuant to the terms of that certain Warranty Deed dated June 29, 1967 recorded as Instrument No. 72055, records of Boise County, Idaho; said water and water rights being a portion, namely, .4 c.f.s. (20 inches), of the total water right of 4.0 c.f.s. (200 inches) granted by the State of Idaho under water license No. 1968 with a priority of May 1, 1906.

This assignment is made for the purpose of consolidating the water rights originally granted under the above named water license in order that as much as possible of the original water right granted will be under the control of the Ranch Water Users' Association, Inc.

IN WITNESS WHEREOF, we have hereunto caused our hands to be set this 23 day of December, 1975.

DeMar C. Burnett
DeMar C. Burnett

Sharon J. Burnett
Sharon J. Burnett

License No. 1968

RECEIVED
DEC 24 1975
Department of Water Resources

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned, Harvey M. Burnett, a married man dealing with his separate property, hereby assigns, transfers and sets over to the Ranch Water Users' Association, Inc., an Idaho corporation, its successors and assigns, all of his right, title and interest in and to the following:

All irrigation and water rights retained by Harvey M. Burnett, said water and water rights being a portion, namely, .4 c.f.s. (20 inches), of the total water right of 4.0 c.f.s. (200 inches) granted by the State of Idaho under water license No. 1968 with a priority of May 1, 1906.

This assignment is made for the purpose of consolidating the water rights originally granted under the above named water license in order that as much as possible of the original water right granted will be under the control of the Ranch Water Users' Association, Inc.

IN WITNESS WHEREOF, I have hereunto caused my hand to be set this 26 day of December, 1975.

Harvey M. Burnett
Harvey M. Burnett

File
K. J. J. 1975

SCHEDULE A

<u>Subdivision</u>	<u>Lot and Block No.</u>	<u>Size in Acres</u>	<u>No. of Votes</u>	<u>Share of Water Rights (in inches)</u>
No. 1	Lot 1, Block 1 ✓	3.78	3	3.75
No. 1	Lot 2, Block 1 ✓	3.49	3	3.46
No. 1	Lot 1, Block 2 ✓	3.69	3	3.66
No. 1	Lot 2, Block 2 ✓	3.07	3	3.05
No. 1	Lot 3, Block 2 ✓	3.07	3	3.05
No. 1	Lot 4, Block 2 ✓	3.74	3	3.71
No. 1	Lot 5, Block 2 ✓	3.69	3	3.66
No. 1	Lot 1, Block 3 ✓	3.33	3	3.30
No. 1	Lot 2, Block 3 ✓	3.00	3	2.97
No. 1	Lot 3, Block 3 ✓	3.00	3	2.97
No. 1	Lot 4, Block 3 ✓	3.00	3	2.97
No. 1	Lot 5, Block 3 ✓	3.00	3	2.97
No. 1	Lot 6, Block 3 ✓	3.00	3	2.97
No. 2	Lot 1, Block 1 ✓	3.55	3	3.52
No. 2	Lot 2, Block 1 ✓	3.64	3	3.61
No. 2	Lot 3, Block 1 ✓	3.18	3	3.15
No. 2	Lot 4, Block 1 ✓	3.40	3	3.37
No. 2	Lot 5, Block 1 ✓	5.27	5	5.22
No. 2	Lot 6, Block 1 ✓	4.33	4	4.29
No. 2	Lot 7, Block 1 ✓	3.40	3	3.38
No. 2	Lot 8, Block 1 ✓	9.95	9	9.90
No. 2	Lot 9, Block 1 ✓	4.38	4	4.34
No. 2	Lot 10, Block 1 ✓	4.98	4	4.94
No. 2	Lot 11, Block 1 ✓	2.80	2	2.78
No. 3	Lot 1, Block 1 ✓	1.86	1	1.85
No. 3	Lot 2, Block 1 ✓	3.27	3	3.24
No. 3	Lot 3, Block 1 ✓	4.53	4	4.50
No. 3	Lot 4, Block 1 ✓	7.65	7	7.59
	Sterling parcel ✓	15.1	15	14.97
	Celaney parcel ✓	4.0	4	3.97
	Tromberg parcel ✓	~~19.1~~ 6.6	19	18.93
	Gilmore parcel ✓	~~4.0~~ 12.4	4	3.96
	Gutzman parcel ✓			
	Totals	151.35 acres	139 votes	150.00 inches

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

*See Idaho
University*

In the Matter of the Application of)

Harvey Burnett)
of)
Route #4,)
Boise, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 254

For a Change of Point of Diversion)
from Ruby Creek to Mores Creek,)
Boise County, Idaho.)

WHEREAS, on December 1, 1961, in the Department of Reclamation of the State of Idaho, at Boise, Idaho, this application of Harvey Burnett of Route #4, Boise, Idaho, for a change of point of diversion from Ruby Creek to Mores Creek, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, no protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the ditch or canal belonging to the applicant is long and that seepage loss is heavy and that a more economical use of the water will be obtained by such change, and that no other water user will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 20th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE NO. 254 OF AUTHORIZED CHANGE IN POINT OF DIVERSION OF
LICENSED WATER RIGHT

THIS IS TO CERTIFY That Harvey Burnett of Route #4, Boise, Idaho, is the owner of and using a certain water right of 4.0 cubic feet per second of the waters of Ruby Creek, said water being obtained by virtue of License No. 1968, issued to Elvira B. Hedrick and Albert E. Wilson, by the State of Idaho, Department of Reclamation, dated October 23, 1906, bearing date of May 1, 1906, for the purpose of irrigating the following described lands situate, lying and being in the County of Boise, State of Idaho, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33;
Township 4 North, Range 4 E. B. M.;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4,
Township 3 North, Range 4 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 1 of Licenses at Page 104 thereof;

That the said Harvey Burnett has become the owner of said water right by mesne conveyance, and by virtue of said License No. 1968;

And that now, upon the application of Harvey Burnett, of Boise, Idaho, for Certificate of Change of Point of Diversion of 4.0 cubic feet per second of the waters of Ruby Creek made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

4.0 cubic feet per second with priority
of May 1, 1906, or the amount of water
in Ruby Creek at the old point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 4 North, Range 4 E. B. M., whichever is the least;

That said water right is appurtenant to the following described lands:

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33;
Township 4 North, Range 4 E. B. M.,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4,
Township 3 North, Range 4 E. B. M.,

That the water right hereby described has heretofore been diverted from Ruby Creek with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 4 North, Range 4 E. B. M.,

That the water right hereby described will hereafter be diverted from Mores Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 4 E. B. M., by private pipe line.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER SL & CH DATE SUBMITTED 10/31/90
ADJUDICATION AGENT SL & CH RESPONSE DUE DATE 10/31/90
COUNTY Boise OWNER'S NAME RANCH SUBDIVISION PROPERTY OWNERS ASSN.

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q
P/D	<u>4N</u>	<u>4E</u>	<u>33</u>	<u>NWSW</u>				
P/U	<u>3N</u>	<u>4E</u>	<u>4</u> <u>5</u>	<u>NW</u> <u>NE</u>				

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☐ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☒ No claim filed or required. Proof filed 7/2/90

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☒ Name index search - use name(s) as shown in database for 63-07781 & 63-10771
☒ Non-data entry claims search - file cab. by Lori
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
-----------------------------	---------------------------	------------------------------	----------

A63-07781 Adj No. 10/30/90

A63-00318A Adj No. 10/30/90

Adj No. _____

☒

☐

☐

☐

☒

☐

Just pld info,
still need to
check the pld

* copies included only if pertinent to permit field exam

Do NOT enter adjudication field exam conducted date
since only verified pld but nothing else in there.

MICROFILMED

AUG 17 1992

SL - 12/20/90

A63-00318A