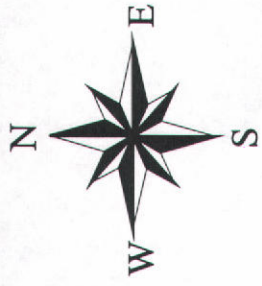


IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S32 & S33



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES



SECTION LINES



6 ACRES

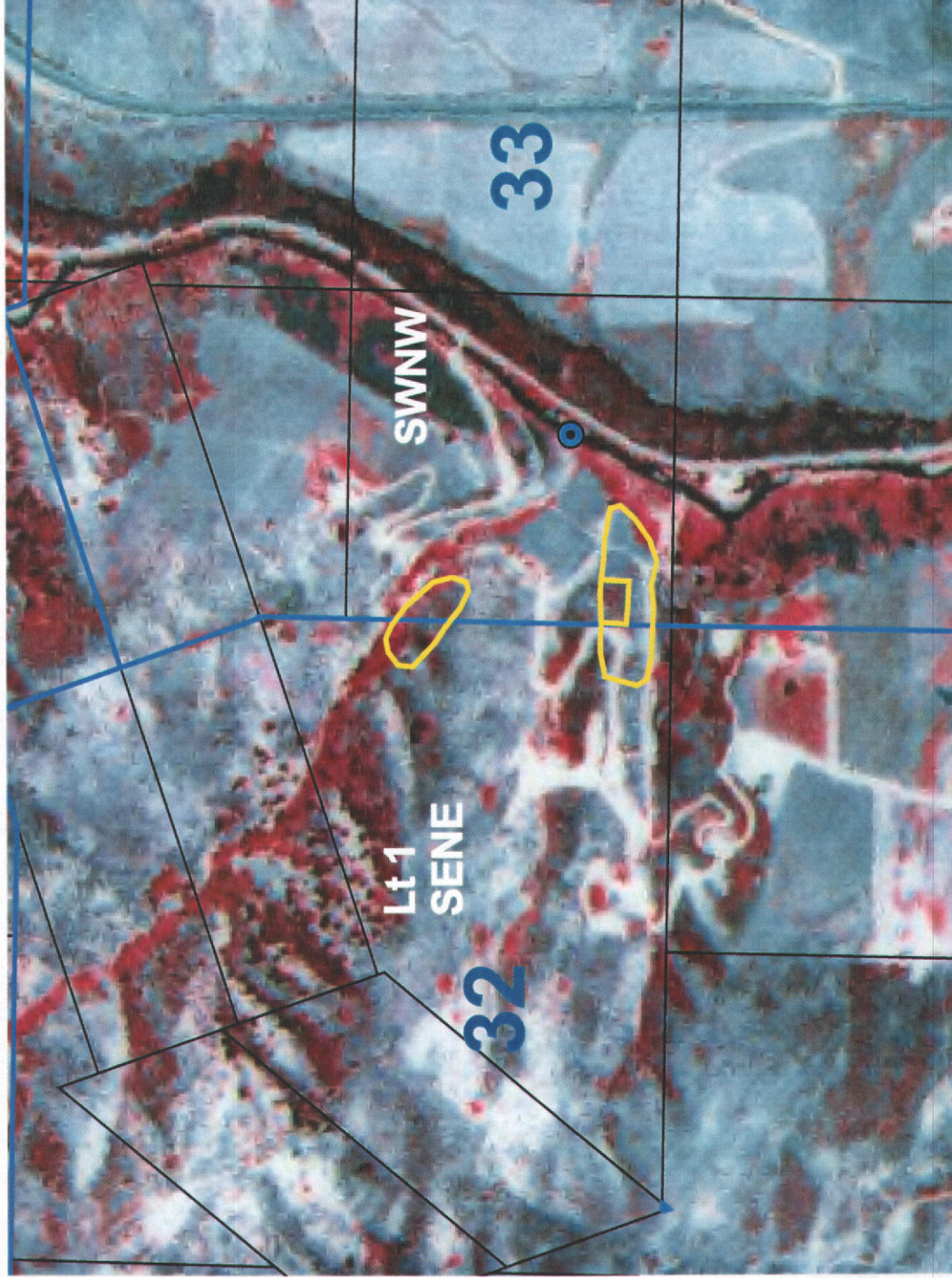
6 SECTION NUMBERS

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

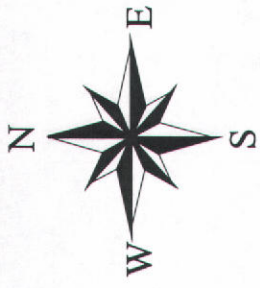
DATE: MARCH 8, 2002

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S32 & S33



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

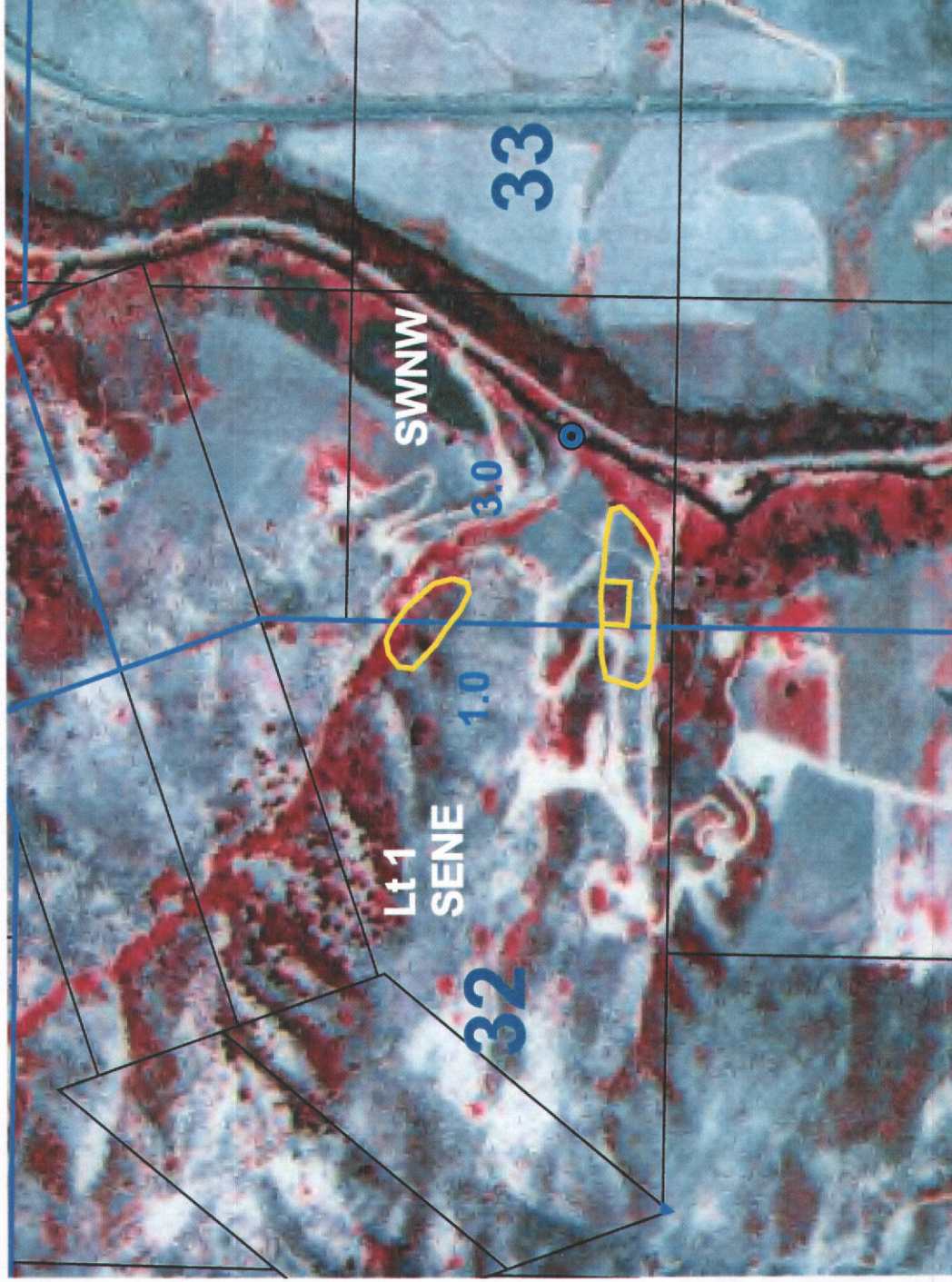
6 SECTION NUMBERS

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

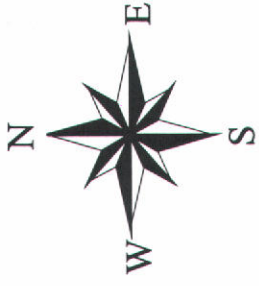
DATE: MARCH 8, 2002

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

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

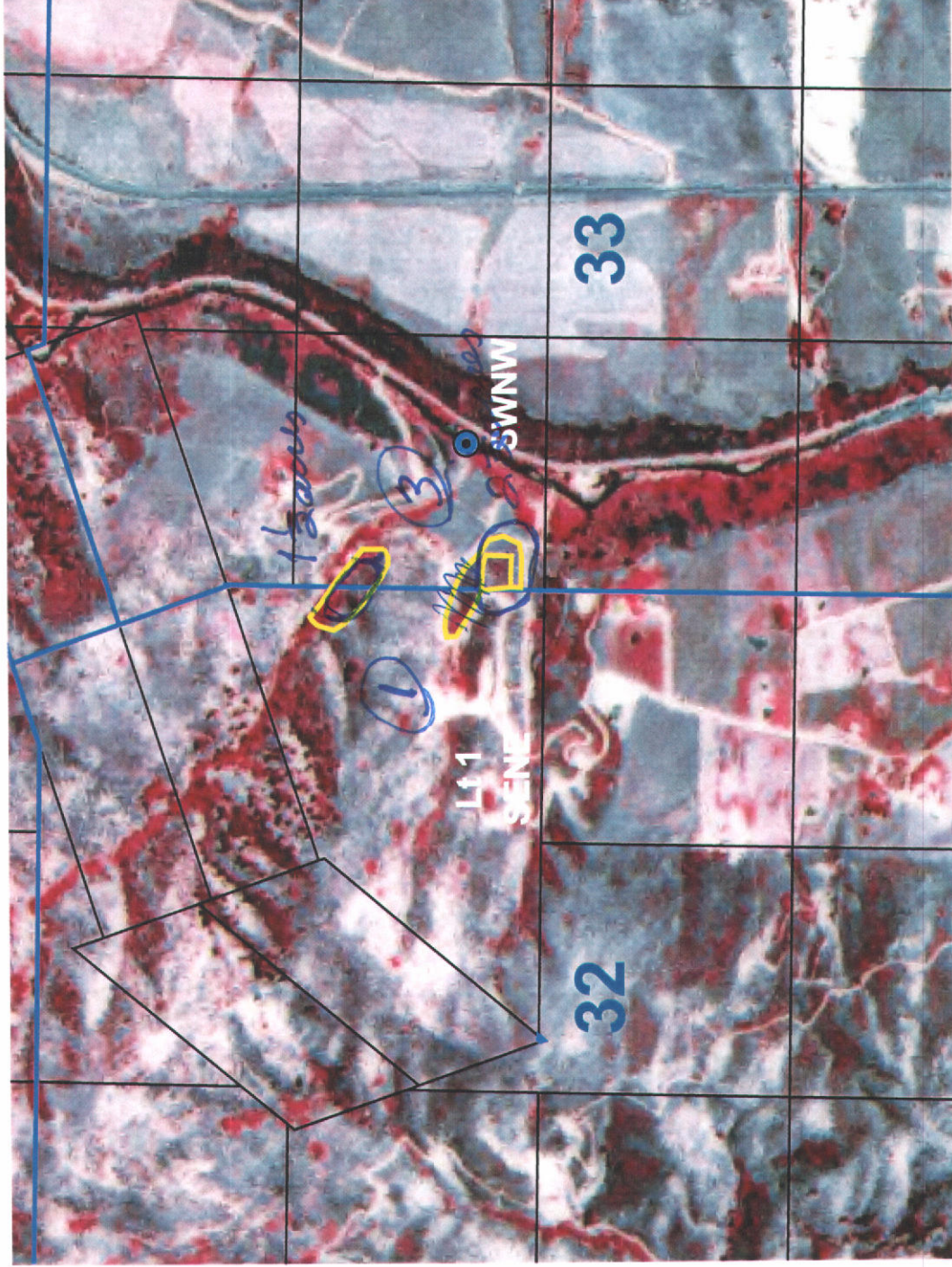
*Per notice of error
meeting 3-8-2002
with Bob Walker.*

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

DATE: DECEMBER 21, 2001

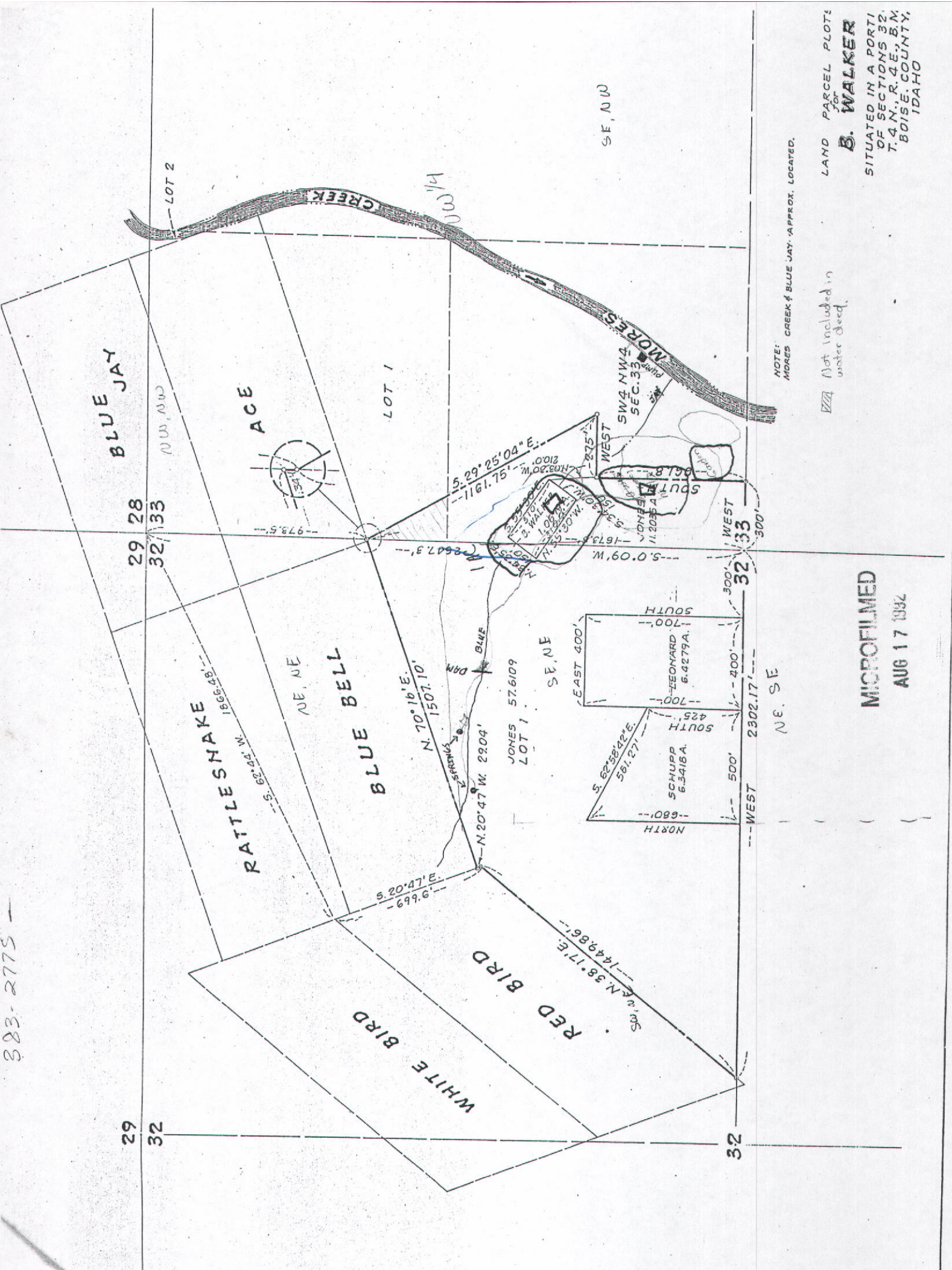
by: Mel Schulte



0 0.25 0.5 0.75 1 1.25 Miles



323-2775 -



NOTE: MORSE CREEK & BLUE JAY - APPROX. LOCATED.

LAND PARCEL PLOTS
for
B. WALKER
SITUATED IN A PORTION
OF SECTIONS 32,
T. 4 N., R. 4 E., B. 1 N.,
BOISE COUNTY,
IDAHO

Not included in
water deed.

MICROFILMED

AUG 17 1932

A63-318B

PHOTOS TAKEN: 09/07/2001



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

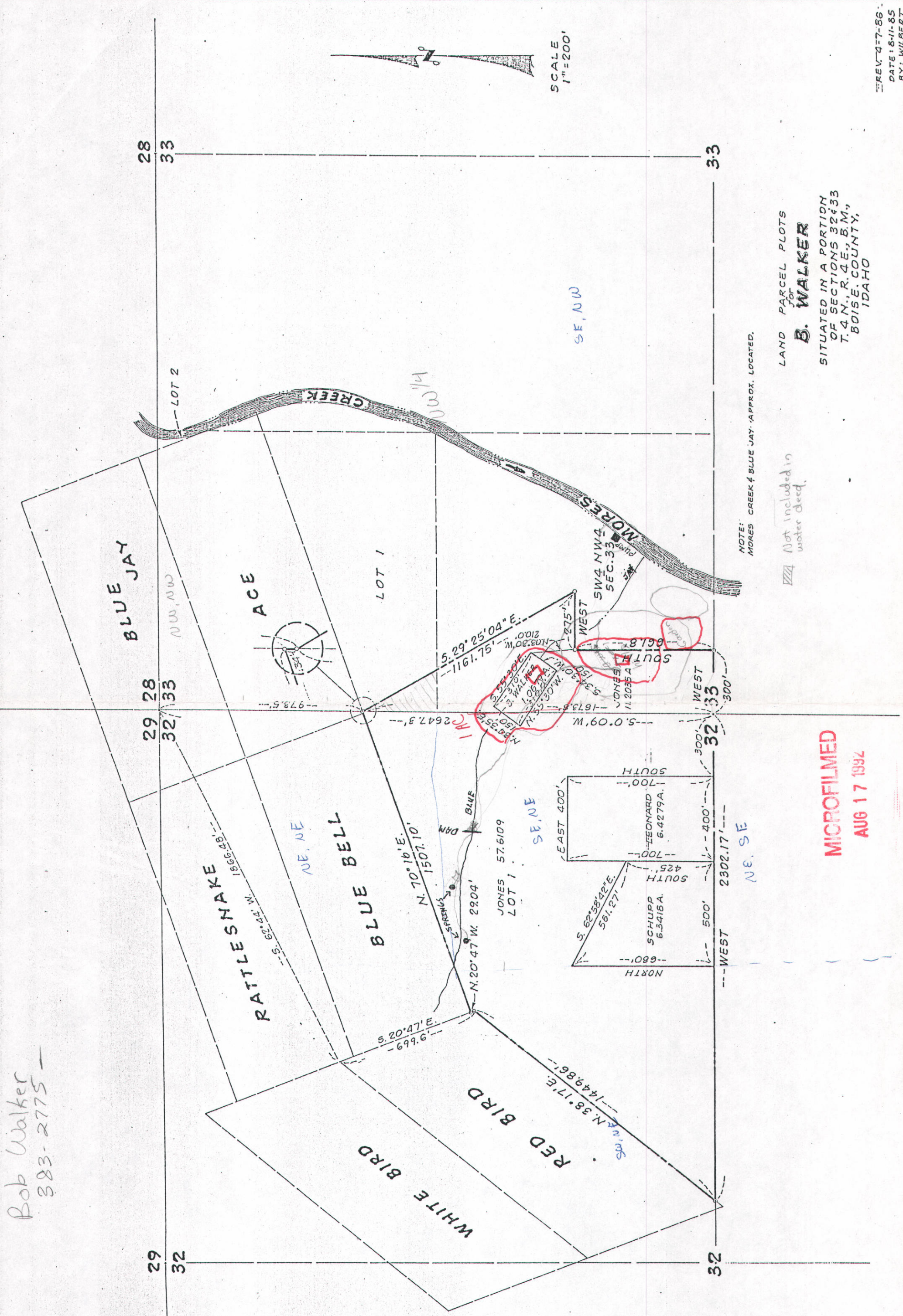
CLAIM A63-318B INIT
T. R. S. Q/Q
P/D 4N 4E 33 SWNW
SCALE
PHOTO ID. GIS DATE 487

33

2044

2044

Bob Walker
383-2775 -



LAND PARCEL PLOTS
for

B. for WALKER

SITUATED IN A PORTION
OF SECTIONS 32 & 33
T. 4 N., R. 4 E., B.M.,
BOISE COUNTY,
IDAHO

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 63-318B
Date Received: 3/21/1989
Receipt No: W002441
Received By:

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

1. Name of Claimant(s)

BLUE JAY CREEK WATER & ROAD USERS INC Phone: (208)367-0718

C/O ROBERT G WALKER
129 BLUE JAY CREEK RD
BOISE ID USA 83706

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	SW NW	BOISE	

5. Description of diverting works:

5 HP PUMP W/PIPELINE TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/15	0.09	

7. Total Quantity Appropriated is:
0.09 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	32	SE NE 1	IRRIGATION	1

						Section Acres	1
04N	04E	33	SW	NW	1	IRRIGATION	2
						Section Acres	2
						Total Acres	3

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:

THE POD FOR THIS CLAIM WAS ORIGINALLY CHANGED IN TRANSFER 254.
THE DIVERSION POINT FOR THIS USAGE BEGAN IN APPROX. SPRING OF 1967.

15. Basis of Claim: Decreed

16. Signature(s)

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: A63-00318B
Date Received: 3/21/1989
Receipt No: W002442
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLUE JAY CREEK WATER & ROAD USERS, INC. 208-383-2775
Address: C/O ROBERT G. WALKER
HC 33, BOX 1168
BOISE, ID 83706

2. Date of Priority: NOV 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 of	Lot	County
04N	04E	33	SW	NW			BOISE

5. Description of diverting works:
5 HP PUMP W/PIPELINE TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.090		

7. Total Quantity Appropriated is:
0.090 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 of	Lot	Use	Acres
04N	04E	32	SE	NE	1	IRR	1.0
Section Acres							1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	33	SW	NW	1	IRR	~~2.0~~ 3.0
Section Acres							2.0 3.0
Total Acres							3.0 4.0

Amended
3-8-2002
B. Walker

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:
A63-07037, A63-15084

14. Remarks:
THE POD FOR THIS CLAIM WAS ORIGINALLY CHANGED IN TRANSFER 254.
THE DIVERSION POINT FOR THIS USAGE BEGAN IN APPROX. SPRING OF
1967.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

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 Organizations:

I do solemnly swear or affirm that I am SECRETARY of
BLUE JAY CREEK WATER + ROAD Title
USERS, INC. Organization, that I have signed the foregoing
document in the space below as SECRETARY of
BLUE JAY CREEK WATER + ROAD Title
USERS, INC. Organization and that the statements contained in the
foregoing document are true and correct.

Bob Walker
Signature of Authorized Agent
SECRETARY - BLUE JAY CREEK WATER
+ ROAD USERS, INC.
Title and Organization

MARCH 21, 1989
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of March 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994

07/23/2002

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-318B V1

WATER RIGHT NUMBER: 63-318B V1

Owner Type Name and Address
 Current Owner BLUE JAY CREEK WATER & ROAD USERS INC
 C/O ROBERT G WALKER
 129 BLUE JAY CREEK RD
 BOISE, ID 83706
 (208)367-0718

Priority Date: 11/30/1901

Basis: Decreed

Status: Active

Source
 MORES CREEK

Tributary
 BOISE RIVER

Beneficial Use
 IRRIGATION

From To
 03/15 to 11/15

Diversion Rate
 0.120 CFS

Annual Volume

Total Diversion: 0.120 CFS

Location of Point(s) of Diversion

MORES CREEK
 BOISE County

SW1/4NW1/4

Sec. 33, Twp 04N, Rge 04E, B.M.

Place of UseIRRIGATION Within BOISE County

T04N R04E S32 Lot 1 SENE 1.0

T04N R04E S33 SWNW 3.0

Total Acres: 4

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:Dates and Other Information:

DAH -
 printed

4/11 to 10/31
 DECREE did not
 SPECIFY SOU
 Standard is
 4/11 to 10/31

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-318B V1

Dates and Other Information:

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

03/08/2002

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

RIGHT NUMBER: 63-318B

NAME AND ADDRESS: BLUE JAY CREEK WATER & ROAD USERS INC
C/O ROBERT G WALKER
129 BLUE JAY CREEK RD
BOISE ID 83706

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 11/30/1901

POINT OF DIVERSION:

T04N R04E S33 SWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.120 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S32 Lot 1 SENE 1.0

T04N R04E S33

SWNW

3.0

4 ACRES TOTAL

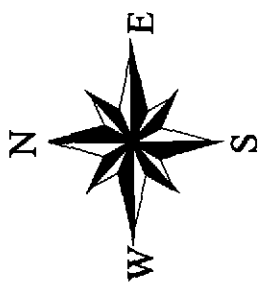
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S32 & S33



0 0.25 0.5 0.75 Miles

1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

DATE: MARCH 8, 2002

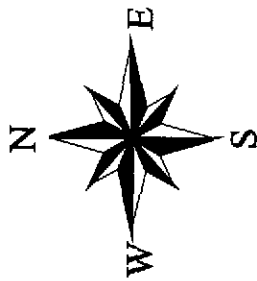
by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S32 & S33



0 0.25 0.5 0.75 Miles



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

DATE: MARCH 8, 2002

by: Mel Schulte

02/28/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-318B

BLUE JAY CREEK WATER & ROAD USERS INC
C/O ROBERT G WALKER

~~HC-33-BOK-1188~~

BOISE ID ~~32706~~

Telephone Number: (208)~~363-2775~~

129 BLUE JAY CREEK RD.
83716

367-0718

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

HISTORICALLY THERE ARE 4 ACRES TOTAL TRACTED

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/8/12

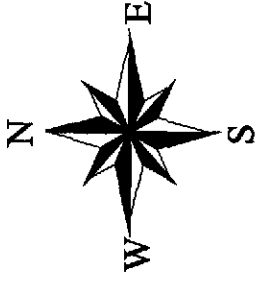
SIGNATURE: Bob Walker

Please print your name: _____

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

IDAHO DEPARTMENT OF WATER RESOURCES

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

*Per notice of error
meeting 3-8-2002
with Bob Walker.*

CLAIM(S): 63-318B

OWNER(S) : BLUE JAY CREEK USERS

DATE: DECEMBER 21, 2001

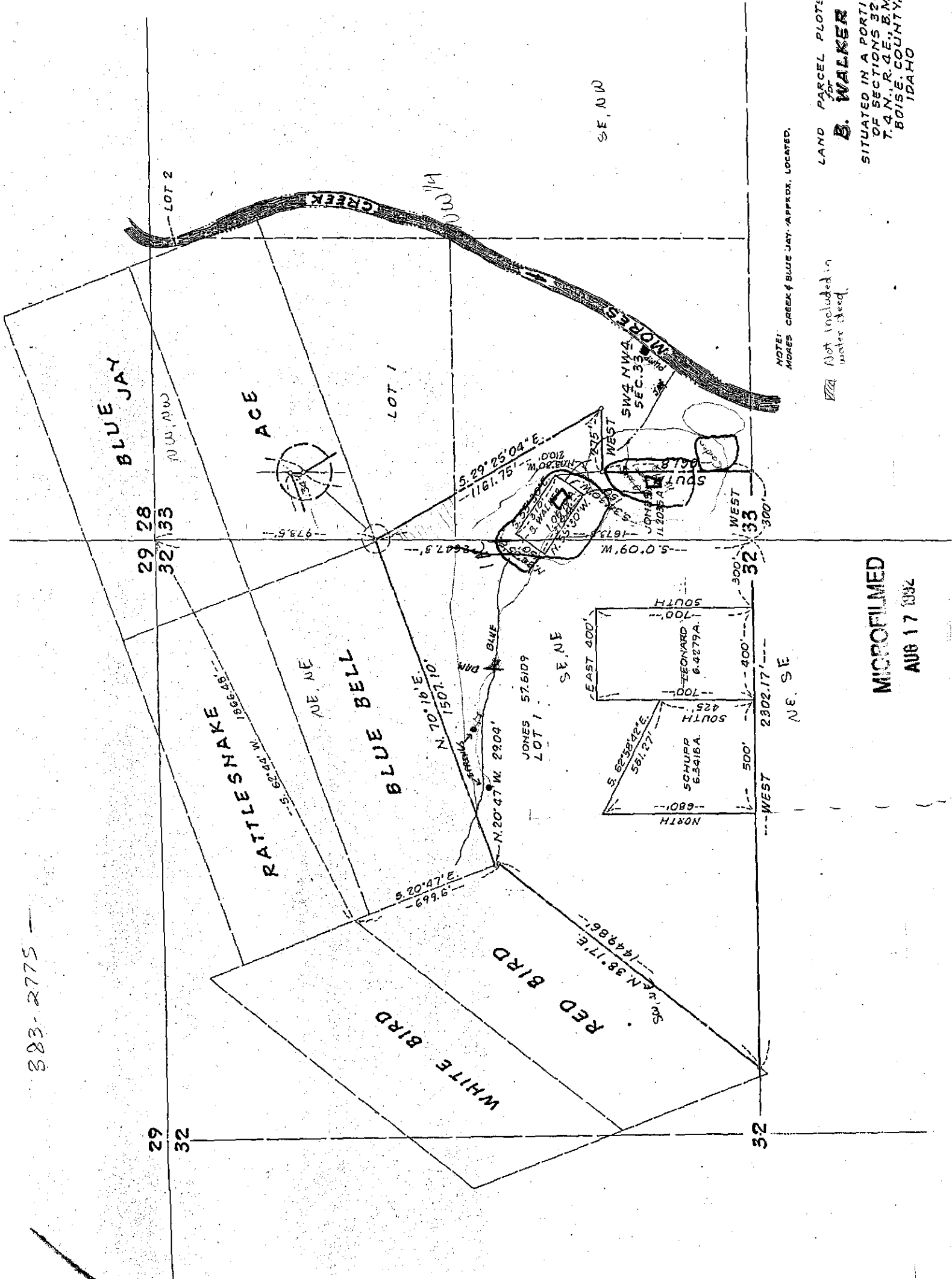
by: Mel Schulte



0 0.25 0.5 0.75 1 1.25 Miles



383-2775 -



NOTE: MORSE'S CREEK & BLUE JAY, APPROX. LOCATED.

Not included in water deed

LAND PARCEL PLOTS FOR B. WALKER SITUATED IN A PORTION OF SECTIONS 32, T. 4 N., R. 4 E., B. 1, BOISE, COUNTY, IDAHO

MICROFILMED

AUG 17 1982

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

CLAIM NO(s). A63-318B

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: 129 Blue Jay Creek Rd.

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: _____

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:

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	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 _____ 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: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
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

*See claim pack for copy of transfer, map
and additional information
Recommended as Claimed.
C18*

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

A63-318B

PHOTOS TAKEN: 09/07/2001



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

CLAIM 463-318B INIT
T. R. S. Q/Q
P/D 4N 4E 33 SWNW
SCALE
PHOTO ID. GIS DATE 1987



MEMO TO FILE

RE: A63-00318B
Blue Jay Creek Water Users Assn.
Robert Walker
From: Linda A. Werner
Date: March 24, 1989

Mr. Walker came to this office to file his adjudication claim on February 17, 1989. Claim number 63-02036. At that time the only information which could be found in the water rights data base was that right had been superceded by decreed right number 63-00318.

Apparently 63-2036 was superceded by 63-00318 in either the Robie creek decree of March 22, 1962, or transfer number 3046 initiated by DeMar Burnett on June 29, 1983. That transfer added a spring as point of diversion in the SE1/4, NE1/4 of section 29; T4N, R4E. It also changed place of use from W1/2, SW1/4 to the W1/2, NW1/4, section 33; T4N, R4E. (12.5 acres).

Also note that transfer number 254 dated March, 1962 changed the diversion point from Robie (Ruby) creek to Mores creek. This change was initiated by Harvey Burnett.

Consequently, Mr. Walker filed a split right from 63-00318 for his portion of that right which consists of 1 acre in the SW1/4, NW1/4 of section 33, T4N, R4E.

MICROFILMED

AUG 17 1992

June 16, 1987

MEMO

To: File
From: Rick
Re: Robert Walker
2893 01 006

CHRONOLOGY OF WATER RIGHTS

First, the simple one. November 21, 1967, license for .02 cubic feet per second irrigation water (although labeled as domestic on Department print-out) from spring and Blue Jay Creek.

Second, the next easiest appears that the domestic water from the springs in Section 32 are not known to the Department or otherwise of record.

Concerning irrigation water from Mores Creek, see Department print-out for November 30, 1901, decree to W. W. White and Josephine G. White for 4.0 cubic feet per second. Point of diversion T 4 N, R 4 E, Section 31, NE 1/4 NE 1/4.

Continuing re Mores Creek irrigation water, see March 22, 1961, decree in Afton v. Luttrell, et al., including Harvey and Martha C. Burnett, predecessors in title to Joneses. Point of diversion "near the center of the Northeast quarter of the Northeast quarter of Section 31". Total of 200" or 4.02 cubic feet per second for application of various properties including Lot 1 of Section 32 and the West 1/2 of SW 1/4, Section 33. NOTE - this is the Jones property.

Decree annotated P.D. Transfer 254, License No. 1968, being point of diversion of transfer.

P.D. transfer is for License No. 1968, dated May 1, 1906, issued to Thomas L. Hedrick and Albert E. Wilson with point of diversion in the NW 1/4 SW 1/4, Section 33.

Query -- is the November 30, 1901, priority date by decree as recited in the March 22, 1962, decree awarding 4.0 cubic feet per second to the Burnetts the same water right that was transferred to the Burnetts six months earlier? The answer appears to be no in that the place of diversion is different as is the basis of the water right itself - i.e., the November 30, 1901, decree to W. W. and Josephine White as opposed to the May 1, 1906, License No. 1968 to Thomas L. Hedrick and Albert E. Wilson.

It appears that the January 24, 1967, deed from Burnett to

Jones, which recites the March 22, 1962, decree "point of diversion of which was changed by permit of Idaho Department of Reclamation December 20, 1961," is in error.

Result: There is some question about the Mores Creek irrigation water.

The fact remains that Burnett, Jones and Walker, and apparently all other interested parties including the Department of Water Resources, have been proceeding as if the 1901-White/1962-Burnett water right did have its point of diversion transferred by P.D. Transfer No. 254.

RDT:lr



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

March 10, 1982

Don L. Jones
Gild \$ Ranch
Idaho City Stage
Boise, Idaho 83707

Dear Mr. Jones:

Enclosed is a copy of the decreed water right which covers your property. The point of diversion was changed by Transfer #254 to the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 4N, R4E.

Also enclosed is a copy of the license which does cover the uses mentioned in your letter.

Both of these rights are in good shape and no further filings need to be made by you unless the uses have changed or the amount of water increased.

If you have any questions, please contact us.

Sincerely,

Jan Grover
Senior Water Resource Agent

JG:jp

Enc:

MICROFILMED

AUG 17 1982

February 15, 1982

Western Region, Idaho Department of
Water Resources
92 South Cole Road
Boise, Idaho 83709

Dear sirs:

The following concerns the Idaho Law which requires that all existing water rights be recorded by June 30, 1983:

I own property in Boise County and use water from three (3) sources, and believe these sources are properly recorded. They are as follows:

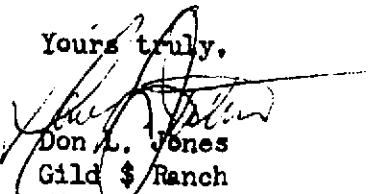
From Mores Creek for irrigation, 10 miners inches. This is appurtenant water recorded on the Warranty Deed for the property. The following is recorded on the deed:

"Such water shall be 10 miners inches from the decree of waters of Robie Creek, of 4.0 c.f.s. in Civil Case No. 629, dated 22nd day of March 1962, in the District Court of the Third Judicial District of Idaho in and for the County of Boise, point of diversion of which was changed by permit of Idaho Department of Reclamation December 20, 1961, to a point in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 T. 4N. R. 4 E., B.M."

From Blue Jay Creek for irrigation, .002 c.f.s. and from springs 0.02 c.f.s for domestic use. Both the above are recorded in Water Right License No. 63-7037 issued by the Idaho State Department of Water Administration and dated November 29, 1973.

If the above water records are adequate to meet requirements of the 1978 Law or if additional filings are still required, please reply to the address below.

Yours truly,


Don L. Jones
Gild \$ Ranch
Idaho City Stage
Boise, Idaho 83707

MICROFILMED

AUG 17 1982

2

LAW OFFICES
MILLAR, CALLISTER & CARTER
ATTORNEYS AT LAW
510 W. WASHINGTON STREET
BOISE, IDAHO 83701

Z. REED MILLAR
MARION J. CALLISTER
RONALD G. CARTER

RECEIVED
OCT 11 1968
63-L
Department of Reclamation

TELEPHONE 342-4508

October 10, 1968

Robert W. Hamilton
Supervisor of Water Distribution
Idaho Department of Reclamation
Boise, Idaho

Re: Harvey Burnett

Dear Mr. Hamilton:

I have a copy of your letter of September 20, 1968, regarding water rights on his property in Boise County. You indicate that you have examined your records and find that on October 23, 1906 the license was issued to Elvira B. Hedrick and Albert E. Wilson for 4.0 c.f.s. of the waters to Robie Creek with a priority date of May 1, 1906.

Later you refer to the Decree of the District Court of the Third Judicial District dated the 22nd day of March, 1962 which Decree is a right to this property for 4.0 c.f.s. waters of Robie Creek with a priority date of November 30, 1901.

I call your attention to your file No. 711 which we finally discovered in 1962 supporting the 1901 Decree on the basis of a notice of water rights by T. S. Hedrick and A. E. Wilson for 500 minors inches for this same property.

For your further information this property has now been deeded to Harvey and Martha Burnett and the old White contract paid off. Part of this property has been transferred to De Mar C. Burnett and his wife, together with 3.0 c.f.s. of said Robie Creek. The Deed erroneously describes the priority as October 23, 1906. The priority is in accordance with the Decree of March 22, 1962 as of November 30, 1901, and undoubtedly since it decreed all of the water of Robie Creek it supersedes any previous license of the department.

The change in point of diversion for Mr. Burnett was initiated after the suit was filed and of course would not affect the water right or the priority established by the Decree.

The writer of this letter represented Mr. White and the Burnetts

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AUG 17 1982

Mr. Robert Hamilton
Page Two
October 10, 1968

in the trial of the water rights above mentioned.

I trust this information will answer some of the questions posed in the above mentioned letter, and that your records will be marked accordingly.

Thank you very kindly, I am

Very truly yours,



Z. Reed Millar

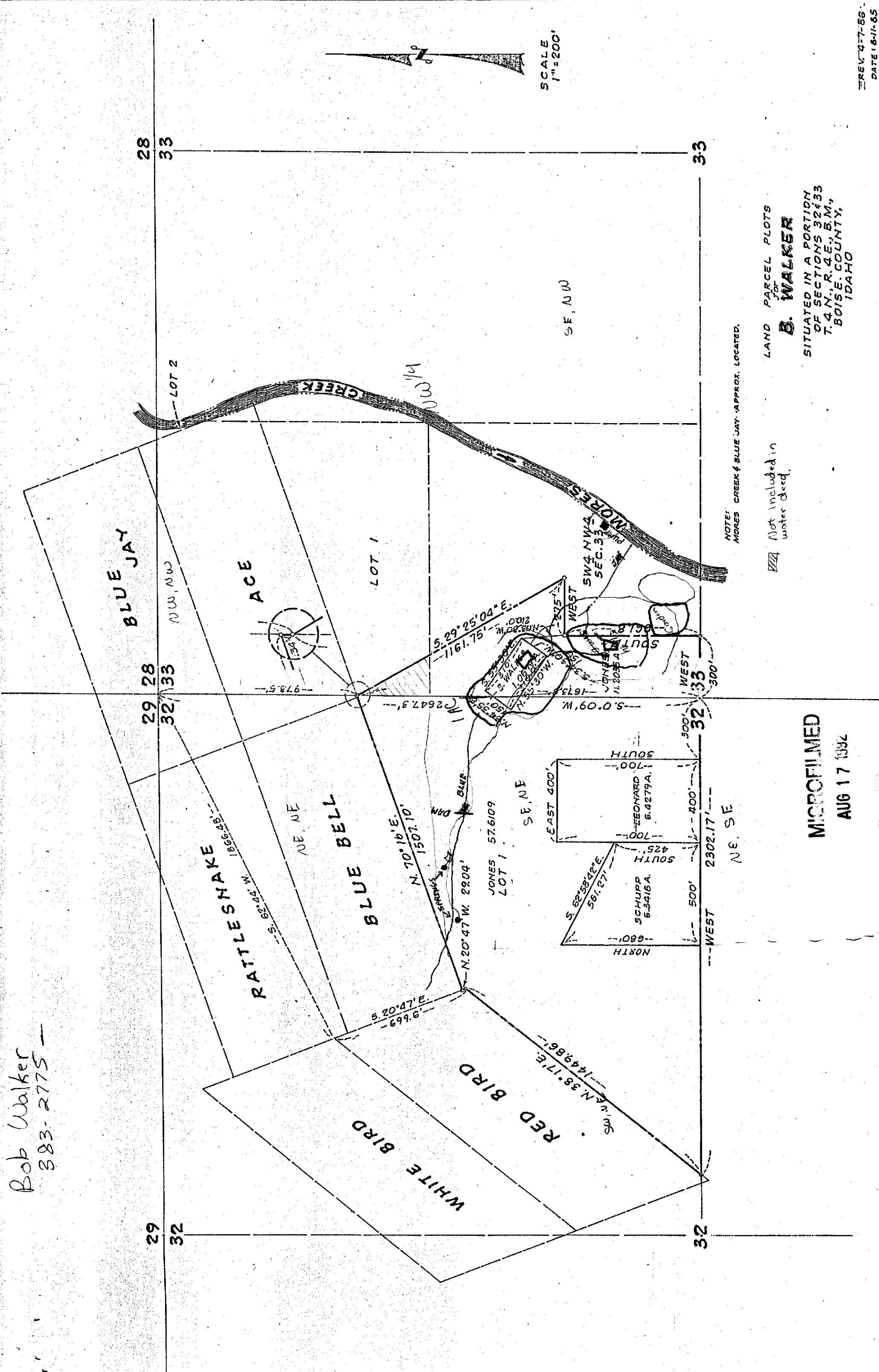
ZRM/jd

Encl:

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Bob Walker
383-2775 -



LAND PARCEL PLOTS
for
B. WALKER
SITUATED IN A PORTION
OF SECTIONS 32 & 33
T. 4 N., R. 4 E., B. M.,
BOISE COUNTY,
IDAHO

MICROFILMED

AUG 17 1992

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 63-7037 Priority Nov. 21, 1967 Amount 0.02 cfs

THIS IS TO CERTIFY, that DON L. -or- RUTH C. JONES
of Boise, Idaho, have ~~not~~ complied with the terms and conditions of Permit
No. 63-7037 issued pursuant to Application for Permit dated November 21, 1967,
and has submitted proof to the Department of Water Administration on January 4, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a spring (domestic use) and
~~to~~ Blue Jay Creek (irrigation use), and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.02</u> cfs and	<u>1.2 acre feet</u>
<u>Irrigation</u>	from <u>June 1</u> to <u>Sept. 30</u>	at <u>0.002</u> cfs and	<u>1.0 acre feet</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.2 acre feet per year, said waters to be diverted within ~~the~~ Lot #1 of Sec. 32,
Twp. 4 N, Rge. 4 E, B.M. in the County of Boise

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	4 E	32	Lot # 1																1

Total number of acres irrigated 1

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
November, 19 73.

Director

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..

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?} Northeast quarter and Lots 1 and 2, Section 30, Township 4 North, Range 4 East, Boise Meridian,

fifty (50) inches, 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 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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 North, Range 4 East, B.M.;
S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29;
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31;
W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 3 and 5, Section 32;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho

EXCEPTING THEREFROM THE FOLLOWING:

P.D. Transfer
#254
in 1968
to NW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 33, Twp. 4N,
Rgl. 4E, B.M.

NOTICE OF WATER RIGHT.

State of Idaho,

County of Boise

ss.

RECEIVED

OCT. 11 1968

To All Concerned:

Department of Reclamation

Notice is Hereby Given:

1st. That

T. L. Hedrick & A. E. Wilson

of Boise County Idaho

hereby claim the use of the waters of

Ruby Creek

to the extent of

500 cubic feet per second

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: Taking the water

about one half (1/2) mile above or less above the
junction of Ruby and Lay creeks and
following on the north side of Ruby creek

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is Irrigation

The place of intended use is on the Richardson flat
above the mouth of Ruby Creek on Moore Creek Bluff

4th. It is intended to divert said water by means of Flume & ditch

The general course of the proposed canal is

Easterly

The length of the proposed canal is

Two and one quarter (2 1/4) miles

It is intended to use said water for irrigating the following described lands:

5th. It is intended to have the works for diversion and use of said water as afore-
said completed within 3 years. (This must in no case exceed five years.)

Witness my hand at Moore Creek Boise County Idaho
this 30 day of November 1890/901

T. L. Hedrick

A. E. Wilson

CLAIMANTS

State of Idaho, } ss.
County of _____

being first duly sworn depose and say that he _____ of lawful age and
claimant of the Water Right mentioned in the foregoing notice
and whose name _____ subscribed thereto. That the statements in the said notice are true,
and that the original notice, of which the foregoing is a true copy, was posted in a con-
spicuous place at or near the place of intended diversion (as provided by law) on the _____
day of _____ 189____ at _____ minutes past _____ o'clock _____ M.

Subscribed and sworn to before me this _____ day of _____ 189____

NOTE (The above Certificate may, where there are several claimants, be made and sworn to by one of them.)

No. _____
Notice of Water Right
of _____
Dated _____ 189____
STATE OF IDAHO,
County of _____
I, _____, County Clerk,
do hereby certify that the foregoing
is a true and correct copy of the
original as the same appears from the
records in my office and duly recorded in Book
_____ of _____
at _____
minutes past _____ o'clock _____ M., this _____ day
of _____ A. D. 189____
By _____ Ex-officio Recorder,
Fees, \$ _____ Deputy.

NOTE—A copy of this notice must within 15
days after it is posted be filed for record in the
office of the Recorder of the County in which it is
posted and a duplicate copy in the office of the
State Engineer in Boise City. (Said copies may
be filed by mail.)

The Stephens Printing Company, Printers and Book Binders, Boise, Idaho.

No. 711
STATE OF IDAHO,
OFFICE OF STATE ENGINEER.
This instrument was received
and filed in the office of
the State Engineer at _____
minutes past _____ o'clock
P. M., this _____ day
of _____ A. D. 190____,
and abstract of same duly entered
in Book No. _____ of Water Loca-
tions, at Page 247.
J. L. R. State Engineer.

(No)
No Address

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Damar Burnett Phone 343-9991Post Office address c/o Idaho City Stage, Boise, Id 83706

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 63-0318 Decreed to W.W. White (Name)in case of Aften vs Kuttralldated in 3/23/1963 in Third District county of Boise
(Name of court)b. License No. 63-2036 Issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Mores Creek tributary to Boise River4. Date of priority 11/30/1901

5. Water is used for the following purposes:

amount 4.0 for Irrigation purposes from 4/1 to 11-1

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 4.0 cubic feet per second
8/or

b. _____ acre feet per annum

7. Location of original point of diversion is NW 1/4 of SW 1/4 of Section 33Township 4N Range 4E B.M., in Boise County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>3N</u>	<u>4E</u>	<u>4</u>						<u>X</u>											
		<u>5</u>	<u>X</u>																
<u>4N</u>	<u>4E</u>	<u>32</u>													<u>X</u>			<u>X</u>	
		<u>33</u>									<u>X</u>	<u>X</u>							

Total number of acres to be irrigated

1009. Describe any other water rights used for the same purpose as described above None10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

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C. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 50 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33 Township 4N
Range 4E, B.M., Raise County
- Additional points _____
3. Place of use: _____

[illegible]

Total number of acres to be irrigated 12.5 25

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 50 c.f.s. &/or _____ acre feet
- b. Description of diverting works pump and pipeline into sprinkler system and spring box with gravity pipeline
- c. Describe the reasons for the proposed changes Applicant has subdivided the property and has a need to irrigate different ground, the point of diversion change to include the spring will allow the applicant to gravity irrigate a portion of the land rather than pump from Mores Cr.
2. Change in point of diversion Spring tributary to Mores Creek
- Point of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 Township 4N
- Range 4E, B.M., Boise County
- Additional points SWNW Sec 33 T 4N R 4E - Mores Creek
diversion

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
original land still has a portion of the water
right 120 inches, ^{11.5} 12.5 acres will be dry.

No
WR in
this area
should be
63-318

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AUG 17 1992

[illegible]

Hand-drawn map on a grid showing a road layout. The road is labeled "TANRAE" and runs vertically. It is flanked by "32" on the left and "33" on the right. A "SAR" label is at the top left, and a "PJ" label is on the right side of the road. A "5.0" label is near the bottom of the road. A "10.75" label is near the top of the road. A "1" label is near the bottom of the road.

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D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 29 day of June, 19 83

D. Mac Bennett
(Signature of Applicant)

Nancy M. Northway
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-2036 and said application is hereby APPROVED, subject to the following limitations and conditions:
Use of water under this right is subject to control by the watermaster of
State Water District No. 63, Boise River.

Witness my hand this 27th day of August, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>625</u>	Date <u>6/29/83</u>	Protest filed by _____
Prelim. check by <u>JS</u>	Fee <u>50.00 # 26866</u>	_____
Receipted by <u>625</u>	Date <u>6/29/83</u>	_____
Published in <u>the Idaho state</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>8/3 & 8/10/83</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	_____
<u>9/14/83</u> rec'd. <u>9/21/83</u>	by <u>DBS/jm DRT</u>	_____

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AUG 17 1982

63-02036

Application For Transfer of Water Right

3-1961

STATE OF IDAHO

County of

Harvey Burnett

, being first of

That his name is **Harvey Burnett**; that he is of legal age, a citizen of the United States and of the State of Idaho, and that his postoffice address is **Boise, Idaho**

That he is the owner and using a certain water right, bearing date of priority of **5 - 1**, 19 **06**, for **4.0** cubic feet per second of the waters of **Ruby Creek**

County of **Boise**, State of Idaho, decreed to

by decree of Judge of the Judicial District of the State of Idaho, in and for the county of

vs. said decree bearing date of for obtained by virtue of License No. **1968**, issued by the State/Reclamation of the State of Idaho, dated **10 - 23**, 19 **06**, bearing date of **19 06**, for the purpose of irrigating the following described lands situate, lying

No. in the County of **Boise** and State of Idaho, to-wit:

EASE $\frac{1}{4}$ Sec. 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 33, T 4 N., R 4 E., B.M.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5; NW $\frac{1}{4}$ Sec. 4, T 3 N., R 4 E., B.M.

and is the person or representative of the corporation to whom such right so issued, or has become the owner thereof in the following manner, to-wit: **Meane means**

as per abstract of title of said water right hereto attached and made a part of this document.

That said waters are now diverted from said stream in the **5 $\frac{1}{2}$ ft.** of Section **31**, Township **4 N.**, Range **4 E.**, B. M. and conveyed to the above-described lands through **Private ditch**

(to be attached herewith and of this affidavit made a part.)

CHANGE IN PLACE OF USE

That applicant and petitioner desires to abandon the use of **4.0** cubic feet per second of said water upon the above-described land, and to convey and use said water upon the following tract, situate, lying and being in the County of and State of Idaho, to-wit:

That reasons for desiring to make such transfer are as follows:

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AUG 17 1982

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Harvey Burnett
of
Route #4,
Boise, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
JULY 28, 1961

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 consideration pursuant to the published notice, in due and statutory form;

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 low 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 July, 1961.

RALPH W. [illegible]
Deputy State Engineer

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AUG 17 1982

What is the total amount of water in inches, or second feet, used on said land? None S.F.S.

What kind of crops are being raised? Hay and

How much water per acre is now required to irrigate 1"

What will be the effect on the land now irrigated, if the water on it is discontinued? None

Give location of new point of diversion, if change is to be made Sec. 33, T 4 N., R. 4 E., S.M.

Through what ditch will it be conducted after transfer? Private pipe line

How much water will be required per acre to irrigate the land to which this water is transferred? 1"

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source

Is there any other water right for the land to which you seek transfer? If so, give amount, date and source none

Signed [Signature]
Applicant.

STATE OF IDAHO,

County of [Blank] ss.

I, [Blank], Watermaster of

Water District No. [Blank], County of [Blank], Idaho, whose postoffice address

is [Blank], have read on [Blank] foregoing affidavit and petition

of [Blank], and, of [Blank] age, believe the same to be true

as to all matters therein alleged, and that no one will be [Blank] transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and [Blank] the State Reclamation Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons:

Watermaster, District No.

Dated at [Blank], Idaho, this [Blank] day of [Blank], 19[Blank]

OFFICIAL

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AUG 17 1982

That he intends to divert and convey said second foot of water to the tract of land last above described in the following manner and as per map accompanying application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from the joint ditch and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the place described to a point located in NW 1/4 of SW 1/4 of Section 33, Township 33 N., Range 12 E., out of Mores Creek and thereafter conduct same to the above described land through the private ditch, as per map appended.

That his reasons for desiring to make such change are as follows: Eliminate flow of water in long diversion ditch

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

[Signature]
Applicant.

Subscribed and sworn to before me this

3rd day of June, 1961

[Signature]
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS

From what stream is the water diverted? Ruby Creek

Where is the diversion point located? SE 1/4 Sec. 31, T. 34 N., R. 12 E.

Through what ditch is it now conducted? Private

How much land is now irrigated by the water sought to be transferred?

Give the description: Portions of E 1/4 Sec. 32; W 1/4 Sec. 33, T. 33 N., R. 12 E., S. 1

NE 1/4 Sec. 34; NW 1/4 Sec. 35, T. 33 N., R. 12 E., S. 1.

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AUG 17 1982

①

Vol 6 p 1163
MAR 20 1962 File 12-C-1
Department of Registration 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
MABEL 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 Mar 23 1962 10:00 A.M.
Katherine M. Boren
CLERK
By William H. North
DEPUTY

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 Z. 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 Earle H. Afton and Mabel Afton, husband and wife, for use on and appurtenant to:

88 0317
The East half of the Northeast quarter and Lots 1 and 2, Section 30, Township 4 North, Range 4 East, Boise Meridian,

fifty (50) inches, 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.

88 0318
P.D. Transfer
#254
1968
(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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 North, Range 4 East, B.M.;
S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29;
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31;
W $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1, 3 and 5, Section 32;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1, W $\frac{1}{4}$ SW $\frac{1}{4}$, 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.

63 0319

(c) To defendant and cross-plaintiff, William L.

McNeilly, fifty (50) inches, or one second-foot of the waters of said Robie Creek, for use and appurtenant to:

The South half of Lot 4, Section 19,
Township 4 North, Range 4 East, Boise
Meridian, Boise County, Idaho,

with priority date of April 1, 1903; with point of diversion:

At a point near the center of the North half
of Lot 4, Section 19, Township 4 North, Range
4 East, Boise Meridian, Boise County, Idaho.

63 0320

(d) to defendant and cross-plaintiff Frances Luttrell,

and Frances Luttrell, Executrix of the Estate of Silas Luttrell,
deceased, 34 inches, or 34/50 of one second foot, of the
waters of said Robie Creek, for use on and appurtenant to:

The South half of the Northwest quarter,
the South half of the Northeast quarter,
and the Southeast quarter of Section 24,
Township 4 North, Range 3 East, Boise,
Meridian, Boise County, Idaho,

with priority date of January 18, 1911; with point of diversion
located in:

The Northeast quarter of the Southeast
quarter, the Southeast quarter of the Southwest
quarter, and in the Southwest quarter of the
Southeast quarter of Section 24, Township 4
North, Range 3 East, Boise Meridian.

63 0321

(e) To defendants and cross-plaintiffs Vance

Pollitt and Jean Pollitt, husband and wife, one inch, or
1/50 of a cubic foot per second of time of the 34 inches

originally appropriated by the predecessors in interest of Frances Luttrell and Frances Luttrell, Executrix of the Estate of Silas Luttrell, deceased, for use on and appurtenant to:

From the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 4 North, Range 3 E.B.M.; thence South along the mid-section line 137.28 feet to the point of beginning; thence South 62°25' East 28.34 feet; thence South 31°45' West 137.90 feet; thence North 49°21' West 149.25 feet; thence North 68°05' East 136.50 feet; thence South 62°25' East 38.41 feet to the point of beginning, all in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 4 North, Range 3 E.B.M., Boise County, Idaho;

and

From the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 4 North, Range 3 E.B.M.; thence South along the mid-section line 137.28 feet; thence North 62°25' West 38.41 feet to the point of beginning; thence North 46°40' West 60.30 feet; thence North 12°10' West 9.00 feet; thence South 84°40' West 186.60 feet; thence South 51°23' East 134.28 feet; thence North 68°05' East 136.50 feet to the point of beginning, all in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 4 North, Range 3 E.B.M., in Boise County, Idaho,

with priority date of January 18, 1911; with point of diversion located in:

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 4 North, Range 3 East, Boise Meridian.

EN 0322

(d) To defendants and cross-plaintiffs Gerald Crisman and Dorothy Crisman, husband and wife, one inch, or 1/50 of a cubic foot per second of time of the 34 inches originally appropriated by the predecessors in interest

of Frances Luttrell and Frances Luttrell, Executrix of the
Estate of Silas Luttrell, deceased, for use on and appurtenant
to:

From the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 3 East of the Boise Meridian; thence South along the mid-section line 137.28 feet; thence South 62°25' East 28.34 feet; thence South 75°50' East 94.20 feet; thence South 64°52' East 100.40 feet; thence South 64°17' East 88.10 feet; thence South 33°02' East 132.40 feet; thence South 53°02' East 101.40 feet; thence South 51°57' East 48.40 feet to the point of beginning; thence South 55°02' East 102.20 feet; thence South 37°13' West 112.60 feet; thence North 28°13' West 115.20 feet; thence North 39°43' East 60.75 feet to the point of beginning, all in the Southwest Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 3 East of the Boise Meridian, Boise County, Idaho;

and also, From the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 3 East of the Boise Meridian; thence South along the mid-section line 328.03 feet; thence South 57°44' West 10.36 feet; thence South 32°16' East 350.00 feet; thence South 53°32' East 266.10 feet; thence North 66°43' East 122.50 feet to the point of beginning; thence North 4°37' West 59.50 feet; thence South 59°47' East 90.20 feet; thence South 14°35' West 81.32 feet; thence North 39°07' West 83.50 feet to the point of beginning, all in the Southwest Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 3 East of the Boise Meridian, Boise County, Idaho; and also, Beginning at the point of beginning for the last described tract; thence North 44°23' West 189.98 feet; thence northeasterly to the southwesterly corner of the tract first above described; thence South 28°13' East 115.20 feet to the southeasterly corner of the tract first above described; thence South 4°37' East 75.50 feet to the Northwest corner of the tract last above described; thence continuing South 4°37' East 59.50 feet to the real place of beginning.

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 4 North, Range 3 East, Boise Meridian.

7. That the complaint, answers and cross-complaints, and all pleadings filed in this action be, and the same are hereby, amended to conform to this decree.

STATE OF IDAHO, }
COUNTY OF BOISE, } ss.

I, KATHERINE M. BROGAN, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Boise, do hereby certify that the foregoing is a true and correct copy of the original
 DECREE as recorded in Book 6 of Judgments at page 390

filed in the above entitled action and remaining now on file in my office at
Idaho City, Boise County, Idaho

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 23rd day of March, 1962.

By William D. Nathan, Deputy. Katherine M. Brogan... Clerk.

BLUE JAY CREEK ROAD & WATER USERS, INC. - IRRIGATION

JONES :

GARDEN	-	100' X 100'	=	10,000	SQ.FT.
TREES	-	175' X 50'	=	8,750	" "
LAWN	-	100' X 30'	=	3,000	" "
LAWN	-	20' X 30'	=	600	" "
HILL	-	200' X 150'	=	30,000	" "
				<u>52,350</u>	" "

WALKER :

GARDEN	-	70' X 30'	=	2,100	SQ.FT.
LAWN	-	30' X 75'	=	2,250	" "
LAWN	-	10' X 45'	=	450	" "
HILL	-	300' X 120'	=	36,000	" "
TREES	-	100' X 50'	=	5,000	" "
				<u>47,900</u>	" "

$$52,350 + 47,900 = 100,250 \text{ TOTAL IRRIG. SQ.FT.}$$

$$100,250 \div 43,560 = 2.3 \text{ ACRES TOTAL}$$

Bob Walker
2/28/39

MICROFILMED

AUG 17 1992

BLUE JAY CREEK WATER & ROAD USERS, INC.

ACTUAL WATER USE FROM BLUE JAY CREEK (GRAVITY)
FOR IRRIGATION: APRIL 1ST. THRU. JUNE 1ST.

USE EVERY THIRD DAY: 12 HRS/DAY.

JONES -	1 LAWN SPRINKLER	7 GAL/MIN.
	3 WHIRLYBIRDS (TOTAL)	14 GAL/MIN.

WALKER -	1 LAWN SPRINKLER	7 GAL/MIN.
	2 WHIRLYBIRDS (TOTAL)	10 GAL/MIN.

TOTAL 38 GAL/MIN.
(2,280 GAL/HR.)

240 HRS TOTAL USE PER YEAR = 547,200 GAL. = 73,155 CU. FT.
(1.68 ACRE FT.)

ACTUAL WATER USE FROM MOSES CREEK (PUMPED)
FOR IRRIGATION: JUNE 1ST THRU OCT. 15TH.

USE EVERY THIRD DAY: 16 HRS/DAY.

JONES -	1 LAWN SPRINKLER	7 GAL/MIN.
	3 WHIRLYBIRDS (TOTAL)	14 GAL/MIN.

WALKER -	1 LAWN SPRINKLER	7 GAL/MIN.
	3 WHIRLYBIRDS (TOTAL)	14 GAL/MIN.

TOTAL 42 GAL/MIN.
(2,520 GAL/HR.)

720 HRS. TOTAL USE PER YEAR = 1,814,400 GAL. = 242,567 CU. FT.
(5.57 ACRE FT.)

Bob Walker
2/28/89

MICROFILMED

AUG 17 1982

BLUE JAY CREEK WATER & ROAD USERS, INC.

ACTUAL WATER USE FROM SPRINGS (2EA.)
COMBINED FOR YEAR ROUND DOMESTIC
WATER: (JONES & WALKER)

$$\begin{aligned} 0.5 \text{ GAL./MIN. (AVERAGE)} &= 30 \text{ GAL./HR} = \\ 720 \text{ GAL./DAY} &= 259,200 \text{ GAL./YR.} = 34,652 \text{ CU. FT./YR.} \\ &= 0.8 \text{ ACRE FT./YR.} \end{aligned}$$

Bob Walker
2/28/89

MICROFILMED

AUG 17 1982

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hedrick, Thomas L. & Wilson, Albert E.	4.0		63-2036
254	Burnett, Harvey	4.0		63-2036
3046	Burnett, DeMar	0.5		63-2036B
	Burnett, Harvey	3.5		63-2036A

LL

LL



CERTIFICATE OF INCORPORATION
OF

BLUE JAY CREEK WATER AND ROAD USERS, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of BLUE JAY CREEK
WATER AND ROAD USERS, INC.

duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated November 20, 19 87.



SECRETARY OF STATE

Corporation Clerk

MICROFILMED

AUG 17 1982

No. 85260

Certificate of Incorporation
BLUE JAY CREEK WATER AND ROAD USERS, INC.

Domestic
Perpetual-Nonprofit

STATE OF IDAHO
Department of State
Boise, Idaho
Approved, filed and admitted to the
corporation records of the State of
Idaho
Date November 20, 1987
Time 8:56 am

FEES PAID \$ 20.00

Pete T. Cenarrusa

SECRETARY OF STATE

By:

Invoice # 73273

CCR # 10592

Filing Party
Green Law Offices
P.O. Box 2597
Boise, Idaho 83701

Registered Agent:
Robert Walker
HC 33, Box 1168
Boise, Idaho 83706

NOTED

AUG 17 1987

ARTICLES OF INCORPORATION
OF
BLUE JAY CREEK WATER AND ROAD USERS, INC.

The undersigned, acting as incorporators of a corporation under the Idaho Non-Profit Corporation Act, adopt the following Articles of Incorporation for such corporation:

FIRST: The name of the corporation is Blue Jay Creek Water and Road Users, Inc.

SECOND: This corporation is a non-profit corporation.

THIRD: The period of its duration is perpetual.

FOURTH: The purpose and purposes for which this corporation is organized is to own, control, maintain, manage and furnish water to adjacent parcels of property owned by its shareholders, for both irrigation and domestic uses, for the benefit of its shareholders, and any other actions allowable by law relating thereto, and to provide for maintenance of the common access road to its shareholders' properties and all other roads and trails presently existing or which may subsequently be developed or otherwise come into use as access to, on or upon the real property presently owned by the incorporators and exclusive shareholders of this corporation as described in Exhibits A and B hereto which is incorporated as if set out in full, together with all powers generally conferred upon corporations by the Idaho Business Corporations Act.

FIFTH: The aggregate number of shares which the corporation shall have the authority to issue is two (2) at no par value.

These shares shall issue to the record owners of the parcels of real property intended to be served by said corporation as the same are more particularly described in Exhibit A representing one share and one member, currently owned by Don L. and Ruth C. Jones, and Exhibit B representing the other share and the other member, currently owned by Robert Walker. Exhibits A and B are attached hereto and incorporated as if set forth in full herein. Said shares shall be held in connection with said real property and shall be appurtenant thereto and must flow therewith. These shares are divisible and can only be fractionalized in pro rata amounts equal to the fractional division of the original parcels of property to which they attach. No additional shares shall be authorized or issued and existing shares must be so fractionalized if the parcels to which they attach are divided. These Articles shall be made known to any prospective purchaser of real property described in Exhibits A and B. Declaration of Protective Covenants, Conditions and Restrictions for Blue Jay Creek Water and Road Users, Inc., provides for operation, maintenance and other necessary services by and through this corporation for roads and water systems serving the above described real property.

SIXTH: Ownership of stock in the corporation shall flow with the land served thereby. For purposes of voting, one member shall be appointed by each property owner to represent his interest.

SEVENTH: Actions of the corporation shall not be effective without unanimous vote unless there are fractionalized interests

voted, whereby two-thirds (2/3) majority shall be required to change the existing system. Other provisions for the regulation of the internal affairs of the corporation are contained in the Bylaws of the corporation.

EIGHTH: The board of directors may from time to time levy assessments against the shareholders, which assessments shall be equal as against each shareholder, pursuant to the above noted Declaration.

NINTH: The address of the initial registered office of the corporation is HC 33, Box 1168, Boise, Idaho 83706, and the name of its initial registered agent at such address is Robert Walker.

TENTH: There shall be two directors constituting the initial board of directors of the corporation and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors are elected and shall qualify are:

<u>NAME</u>	<u>ADDRESS</u>
Robert Walker	HC 33, Box 1168 Boise, Idaho 83706
Don L. Jones	P.O. Box 2010 Sparks, Nevada 89422

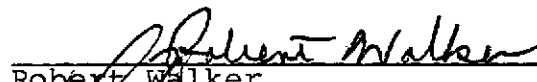
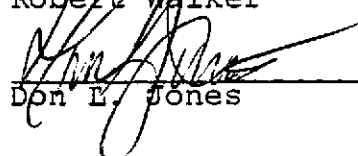
ELEVENTH: The name and address of each incorporator is:

<u>NAME</u>	<u>ADDRESS</u>
Robert Walker	HC 33, Box 1168 Boise, Idaho 83706
Don L. Jones	P.O. Box 2010 Sparks, Nevada 89422

MICROFILMED

AUG 17 1981

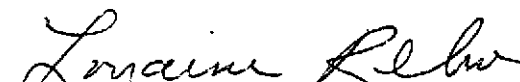
WE, THE UNDERSIGNED, being the original subscribers to the capital stock hereinbefore named for the purposes of forming a corporation to do business both within and without the State of Idaho, do make and file these Articles of Incorporation, hereby declaring and certifying that the facts herein stated are true, and accordingly have hereunto set our hands and seals this 23rd day of October, 1987.


Robert Walker

Don E. Jones

STATE OF IDAHO,)
) ss.
COUNTY OF ADA,)

On this 12th day of November, 1987, before me, a Notary Public in and for said State, personally appeared ROBERT WALKER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3/19/88

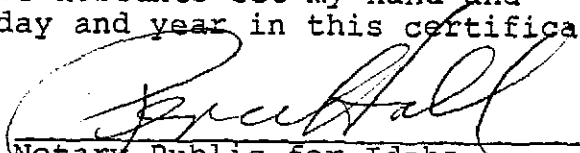
MICROFILMED

AUG 17 1988

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 23rd day of October, 1987, before me, a
Notary Public in and for said State, personally appeared
DON L. JONES, known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he executed the same.

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



Notary Public for Idaho

Residing at Mountain Home, ID

My Commission Expires: 6-12-93

MICROFILMED

AUG 17 1988

The following described property in Boise County, Idaho:

Lot 1 of Section 32, Township 4 North of Range 4 East of the Boise Meridian according to the Government Survey thereof.

Together with appurtenant water from Mores Creek.
Subject to existing easements.

Such water shall be 10 miners inches from the decree of the waters of Robie Creek, of 4.0 c.f.s. in Civil case No. 629, dated 22nd day of March 1962, in the District Court of the Third Judicial District of Idaho in and for the County of Boise, point of diversion of which was changed by permit of Idaho Department of Reclamation December 20, 1961, to a point in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 T. 4N. R. 4 E., B. M.

That portion of Section 33, Township 4 North, Range 4 East, Boise Meridian described as follows:

Starting at a point on the West Line of said Section 33, 973.5 feet South of the NW Corner. This is the True Point of Beginning. Thence South along said West Line 1673.8 feet to the SW Corner of the NW $\frac{1}{4}$ of said Section 33. Thence East along the South Line of the NW $\frac{1}{4}$ of said Section 33, approximately 300 feet, to the West Line of the U. S. Corps of Engineers Lucky Peak Reservoir Acquisition Tract No. R-136.2. Thence North along the West Line of the U. S. Corps of Engineers Acquisition Tract No. R-136.2, parallel to the West Line of said Section 33 a distance of 661.8 feet. Thence East, parallel to the North line of said Section 33, a distance of 275.0 feet. Thence in a straight line in a Northwesterly direction to the True Point of Beginning. Together with appurtenant water, including all of the water from the springs adjacent to the above described property in Section 32.

together with the following easement:

Starting at a point on the Quarter section line of Section 32, Township 4 North, Range 4 East, Boise Meridian, 820 feet West of the East Line of said Section. This is the true point of beginning:

Thence following description of the Center Line of a 25 foot roadway: From the true point of beginning S 24° East 68 feet; thence East 28° S. 75 feet; thence South 27° E. 150 feet; thence South 33° W 75 feet; thence W. 8° N. 37 feet; thence N. 7° W. 75 feet; thence W. 8° N. 47 feet; thence S. 43° West, 46 feet; thence South 7° E. 54 feet; thence S. 27° E. 67 feet; thence East 34° S. 75 feet; thence East 7° N. 61 feet; thence E. 17° N. 72 feet; thence E. 42° N. 199 feet; thence E. 43° S. 75 feet; (at this point there is a cattle-guard); thence E. 43° S. 66 feet; thence S. 12° E. 43 feet; thence S. 23° W. 600 feet; thence S. 0° W. 760 feet; (at this point there is a cattle guard); thence S. 23° W. 225 feet; thence S. 3° W. 184 feet; At this point the roadway joins the access road to the Burnett property coming from the Robie Creek County Road to the South. The location of this terminus is North of the South line of said Section 32, 770 feet and East of the West boundary of the Burnett property 500 feet.

EXHIBIT A
Page 1 of 2

MICROFILMED

AUG 17 1982

EXCEPTING THEREFROM:

That portion of Section 32, Township 4 North, Range 4 East, Boise Meridian, described as follows:

Starting at the S. E. corner of the N.E. 1/4 of Section 32. Thence West along the South line of said N.E. 1/4, 700 feet. This is the True Point of Beginning. Thence North parallel to the East line of said N.E. 1/4, 425 feet. Then turning left $62^{\circ} 58' 42''$ for a distance of 561.27 feet. Then turning left $117^{\circ} 01' 18''$ for a distance of 680 feet to the south line of said N.E. 1/4 of Section 32. Thence East along the South line of said N.E. 1/4 of Section 32, 500 feet to the True Point of Beginning.

That portion of Section 32, Township 4 North, Range 4 East, Boise Meridian, described as follows:

Starting at the S.E. Corner of the N.E. 1/4 of Section 32. Thence West along the South line of said N.E. 1/4, 300 feet. This is the True Point of Beginning. Thence North parallel to the East line of said N.E. 1/4, 700 feet. Thence West parallel to the South line of said N.E. 1/4, 400 feet. Thence South parallel to the East line of said N.E. 1/4, 700 feet. Thence East along the south line of said N.E. 1/4, 400 feet to the True Point of Beginning.

EXHIBIT A
Page 2 of 2

MICROFILMED
AUG 17 1986

A tract of land which includes a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 33, Township 4 North of Range 4 East of the Boise Meridian in Boise County, Idaho lying northwest of the property belonging to the Corps of Engineers of the United States of America designated as Acquisition Tract No. B-136.2, Lucky Peak Reservoir.

From the NW corner of Acquisition Tract No. B-136.2, 210 feet N 3° 30' W to the true point of beginning.

Thence from this true point of beginning 150 feet S 34° 30' W; thence 310 feet N 55° 30' W; thence 150 feet N 34° 35' E; thence 310 feet S 55° 30' E to the true point of beginning

EXHIBIT B

MICROFILMED

AUG 17 1982