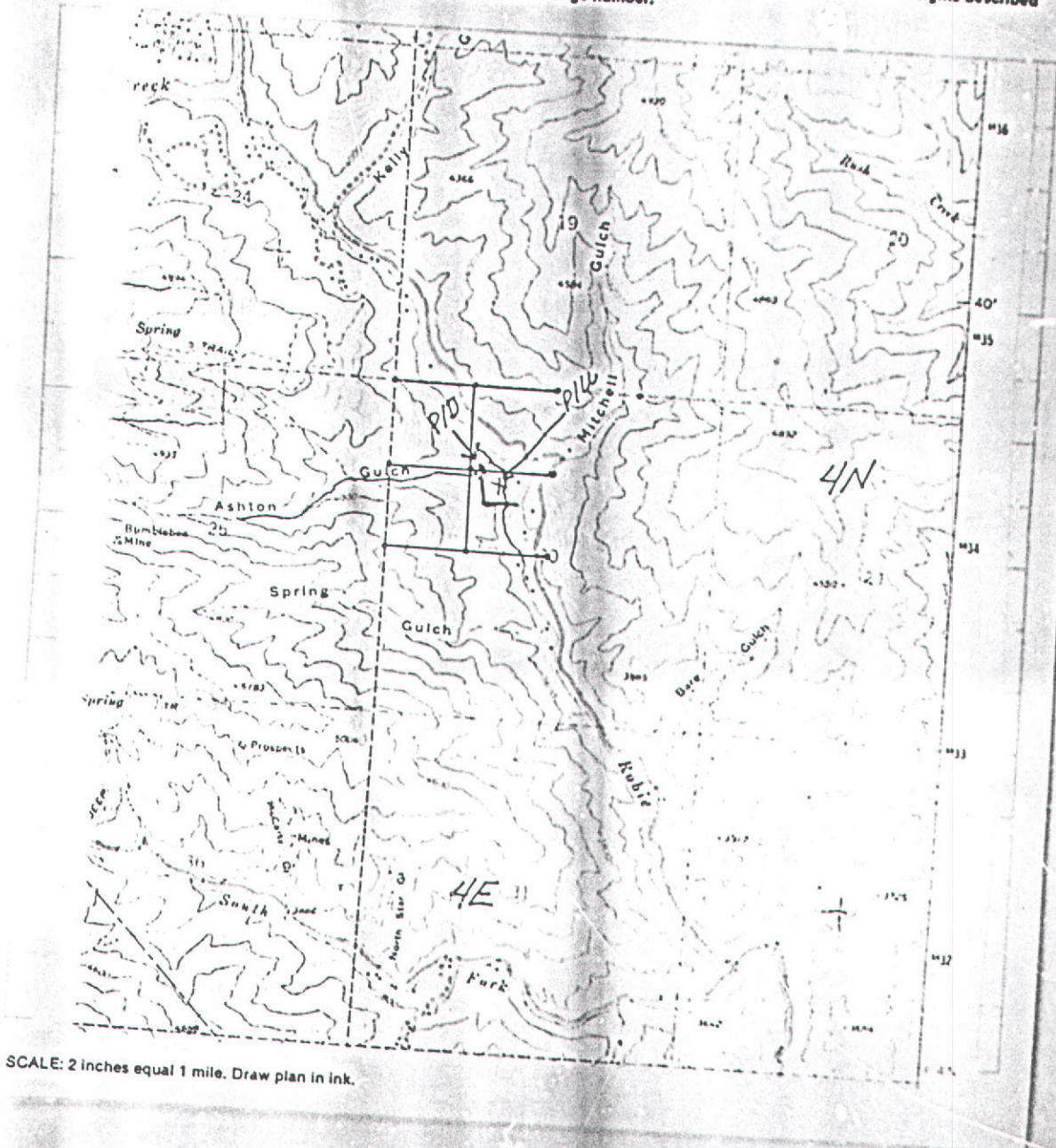


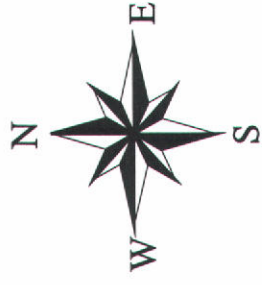
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



# IDAHO DEPARTMENT OF WATER RESOURCES

## T04N, R04E, S30



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

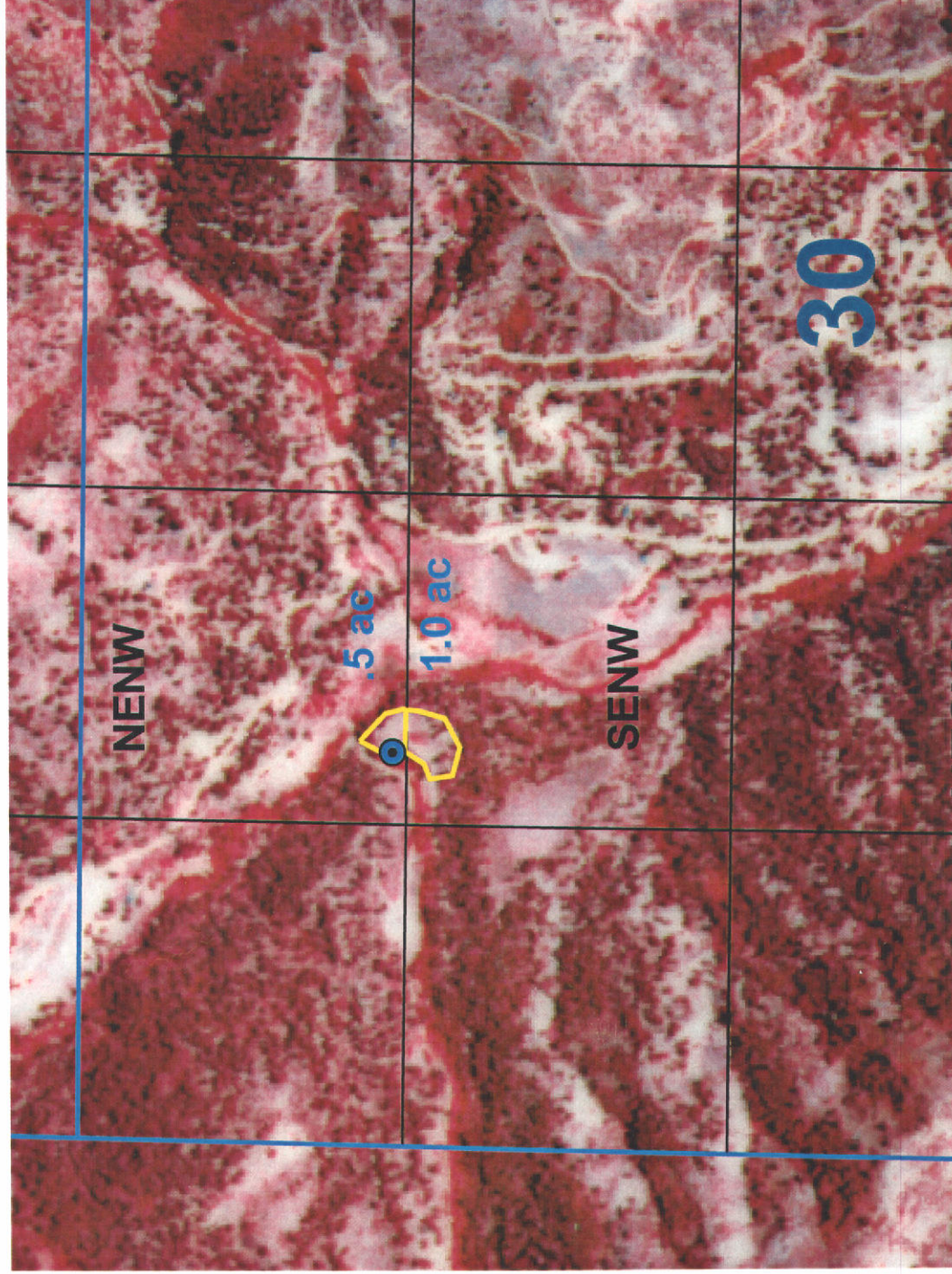
6 SECTION NUMBERS

CLAIM(S): 63-3447B

OWNER(S): ESHELMAN

DATE: JUNE 25, 2001

by: Mel Schulte



0.75 Miles

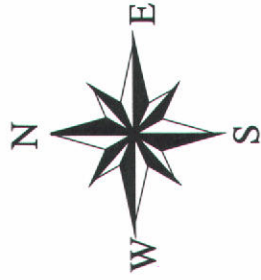
0.5

0.25

0

# IDAHO DEPARTMENT OF WATER RESOURCES

## T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

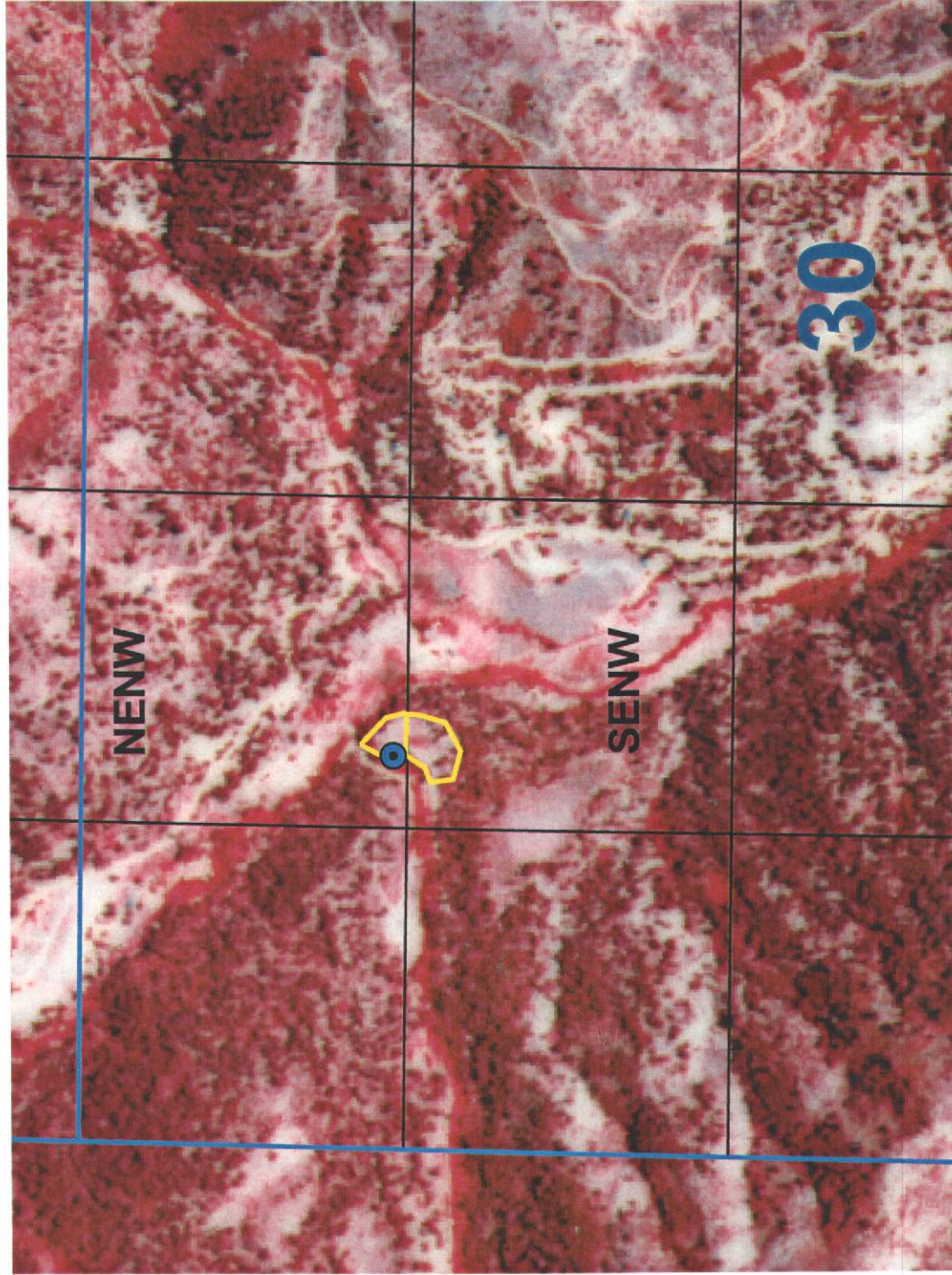
6 SECTION NUMBERS

CLAIM(S): 63-3447B

OWNER(S): ESHELMAN

DATE: JUNE 25, 2001

by: Mel Schulte



3447B

Per Charnett

6-25-2001  
in our office

30

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 63-3447B  
Date Received: 1/15/1992  
Receipt No: X777777  
Received By:

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

1. Name of Claimant(s)

BIFF ESHELMAN Phone: (208)342-3648  
31 SONSHINE LANE  
BOISE ID USA 83716

2. Date of Priority: 04/26/1965

3. Source: ASHTON GULCH CREEK Trib. to: ROBIE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 04E   | 30      | NE NW                 | BOISE  |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A. |
|------------|------|-------|--------|-------------|
| IRRIGATION | 4/01 | 10/15 | 0.01   | 3.9         |

7. Total Quantity Appropriated is:  
0.01 C.F.S. and/or 3.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 04N           | 04E   | 30      | SE NW          | IRRIGATION | 2     |
| Section Acres |       |         |                |            | 2     |
| Total Acres   |       |         |                |            | 2     |

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:

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

AC. IRR. = 1.5.

15. Basis of Claim: License

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  
of \_\_\_\_\_ 20\_\_

Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

[ ] Water Right Number (s): A63-3447B

[ ] Old Mailing Address: HC 33 Box 2220  
Bosse 83706

[ ] New Mailing Address: 31 Sonshine Lane  
Boca 83716.

New Telephone Number: (       )       -      

[ ] Signature of Claimant: Sylvia Eschman  
Date: \_\_\_\_\_

## Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

**Further Action Needed:**

### Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

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: A63-03447B  
Date Received: 1/15/1992  
Receipt No: X 76  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BIFF ESHELMAN 208-342-3648  
Address: HC 33, BOX 2220  
BOISE ID 83706

2. Date of Priority: APR 26, 1965

3. Source: ASHTON GULCH Trib. to: ROBIE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 04E   | 30      |        | NE     | NW  |     | BOISE  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/15 | 0.010 |      | 3.90   |

7. Total Quantity Appropriated is:  
0.010 C.F.S. (and/or) 3.90 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 04E   | 30      | SE     | NW  |     | IRR | 2.0   |

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
AC. IRR. = 1.5.

15. Basis of Claim: LICENSE

Water Right Number: 32340

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): *Diff Eshelman* Date: 1-15-92  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 15 day  
of Jan. 19 92

*Linda Werner*  
Notary Public

Seal

Residing at LINDA WERNER  
RESIDING AT EAGLE, IDAHO  
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

Water Right Number - 63-03447B Prefix Translation: WATER RIGHT Old (D) Number - 32340

Last Name - First Name - Address -  
\*\*\* C - CURRENT OWNER \*\*\*  
ALBISTON ELVIN J. 1 - HC 33 BOX 2220  
2 -  
3 - City- BOISE State- ID Zip- 83706  
Phone -

\*\*\* O - ORIGINAL OWNER \*\*\*  
AFTON E. H. 1 -  
2 -  
3 - City- State- Zip-  
Phone -

Priority Date - 04/26/1965 Region - 14 WESTERN Stage - L - LICENSE Status -  
Source - ASHTON GULCH Point of Diversion - Stream Index (Blank if no Index Code)  
Tributary - ROBIE CREEK

TwN Rng Sec Tract Lot Rflg County  
04N 04E 30 NE NW (15) BOISE

Code Description Period From Period To Water Use Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/15 0.010 3.90

Total Div. Rate - 0.010 Total Div. Volume - 3.90 Total Div. Capacity -  
TwN Rng Sec Tract Lot Acres Code Description County  
04N 04E 30 SE NW 2.0 01 IRRIGATION (15) BOISE  
Total Acres: 2.0

Diversion Means -  
Non-Irrigation Use -  
Other Rights for Same Use -  
Remarks -  
AC. IRR. = 1.5.  
Old Water Right Numbers -  
No Old Water Right Numbers found.

MICROFILMED  
OCT 07 1996

**WATER RIGHT**

|                   |              |                  |              |                  |      |
|-------------------|--------------|------------------|--------------|------------------|------|
| Proof Due Date    | - 00/00/0000 | Field Exam Made  | - 00/00/0000 | Field Exam Fee   | -    |
| Approved/Denied   | - 00/00/0000 | Protested Date   | - 00/00/0000 | Swan Falls       | -    |
| Proof Made Date   | - 00/00/0000 | Hearing Date     | - 00/00/0000 | Temporary Right  | -    |
| Exam to S.O. Date | - 00/00/0000 | Verified Date    | - 04/08/1985 | DLE/Carey Act    | -    |
| Order Show Cause  | - 00/00/0000 | Receipt Number   | -            | Water District   | - 63 |
| Licensed Date     | - 09/12/1979 | Appl Received    | - 00/00/0000 | Transfer/Amended | -    |
| Decree Date       | - 00/00/0000 | Presumption Flag | -            |                  |      |

**MICROFILMED**  
**OCT 07 1996**

BRUCE LE FAVOUR  
Tx 107  
82.94 ac

N 86° 19' 04" E  
792.07'

CAROLE EVERS  
CIB DUSAN ULACKY  
Tx 162 - 12.07 ac

CIB AUDREY MILLER  
Tx 161 - 3.07 ac

Tx 39 - 7

Tx 38  
E. Phi  
c/o Id  
12

S 89° 12' 30" W 2,049'

2834.47'

1320'

N 1/2, N 1/2, N 1/2, NE, SW, W. Hamberry 5 ac

MICROFILMED  
OCT 10 1996  
J. McGowan  
Tx 47

# DEED OF TRUST

THIS DEED OF TRUST, Made this 10 day of January, 1992  
BETWEEN BIFF ESHELMAN AND SYLVIA ESHELMAN, HUSBAND AND WIFE

herein called GRANTOR,

whose address is 3292 SOUTH EAGLE ROAD, EAGLE, ID 83616

PIONEER TITLE COMPANY OF ADA COUNTY, an Idaho corporation, herein called TRUSTEE, whose address is 888 N. Cole Rd., Boise, Idaho 83704, and ELVIN J. ALBISTON AND BARBARA ALBISTON, HUSBAND AND WIFE herein called BENEFICIARY, whose address is 1030 PARKINSON STREET, EAGLE, ID 83616

WITNESSETH THAT Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of BOISE, State of Idaho, described as follows, and containing not more than twenty acres:  
SEE ATTACHED EXHIBIT "A"

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of TWENTY-FIVE THOUSAND AND NO/100 Dollars, (\$ 25,000.00 ),

final payment due January 10, 1993

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay: at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligations hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or change hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these debts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court of competent jurisdiction, without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof. In his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

RECORDED  
OCT 07 1996

Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at legal rate; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

Biff Eselman Sylvia Eselman  
BIFF ESHELMAN SYLVIA ESHELMAN

APPROVED BY BENEFICIARIES:

Elvin J. Albiston Barbara Albiston  
ELVIN J. ALBISTON BARBARA ALBISTON

STATE OF IDAHO, County of ADA, ss.

On this 10TH day of JANUARY in the year of 1992, before me  
JANET L. HALL, a notary public,  
personally appeared BIFF ESHELMAN, SYLVIA ESHELMAN, ELVIN J. ALBISTON AND BARBARA ALBISTON  
known or identified to me to be the person S whose name S ARE subscribed to the  
within instrument, and acknowledged to me that The Y executed the same.

Notary Public: \_\_\_\_\_

Residing at: BOISE, ID

Commission expires: 9/13/97

STATE OF IDAHO, COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY That this instrument was filed for record at the request of \_\_\_\_\_

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock \_\_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
in my office, and duly recorded in Book \_\_\_\_\_  
of Mortgages at page \_\_\_\_\_

Ex-Officio Recorder.

By \_\_\_\_\_ Deputy

Fee: \$ \_\_\_\_\_

Mail to: \_\_\_\_\_

#### REQUEST FOR FULL RECONVEYANCE

(To be used only when Note has been paid)

\_\_\_\_\_, Idaho  
\_\_\_\_\_, 19\_\_\_\_

TO: PIONEER TITLE COMPANY OF ADA COUNTY, Trustee:

The undersigned is the legal owner and holder of all indebtedness secured by the within Deed of Trust. All sums secured thereby have been fully paid. You are hereby requested and directed to cancel all evidences of indebtedness secured by said Deed of Trust and to reconvey, without warranty, the estate now held by you under the same.

Deliver to \_\_\_\_\_

The Promissory Note or Notes, and any evidences of further and/or additional advances must be presented with this request.

Pioneer Title Company

of

Ada County

888 N. Cole Road  
BOISE, IDAHO 83704  
Telephone 377-2700

EXHIBIT "A"

A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN "EXHIBIT "A"" IN THAT CERTAIN WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 97128, RECORDS OF BOISE COUNTY, IDAHO, SAID PORTION BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:  
COMMENCING AT A FOUND BRASS CAP MONUMENTING THE WEST QUARTER CORNER OF SAID SECTION 30, THENCE ALONG THE WESTERLY BOUNDARY OF SAID "EXHIBIT "A"" (INSTRUMENT NUMBER 97128)

NORTH 00 04'36" EAST (FORMERLY NORTH 00 06'00" EAST) A DISTANCE OF 1077.18 FEET TO A STEEL PIN, THENCE LEAVING SAID WESTERLY BOUNDARY

NORTH 77 43'29" EAST A DISTANCE OF 674.18 FEET TO A STEEL PIN; THENCE

NORTH 86 19'04" EAST A DISTANCE OF 792.07 FEET TO A STEEL PIN; THENCE

NORTH 10 30'14" EAST A DISTANCE OF 35.00 FEET TO A SET STEEL PIN, SAID PIN BEING THE REAL POINT OF BEGINNING. THENCE

NORTH 25 33'40" EAST A DISTANCE OF 148.02 FEET TO A SET STEEL PIN, THENCE

NORTH 49 38'46" EAST A DISTANCE OF 139.14 FEET TO A SET STEEL PIN, THENCE

SOUTH 43 38'31" EAST A DISTANCE OF 92.96 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID "EXHIBIT "A"" (INSTRUMENT NUMBER 97128), THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING COURSES:

SOUTH 54 36'44" EAST (FORMERLY SOUTH 54 59'30" EAST) A DISTANCE OF 167.76 FEET TO A POINT; THENCE

SOUTH 30 52'14" EAST (FORMERLY SOUTH 31 15' EAST) A DISTANCE OF 53.50 FEET TO A FOUND STEEL PIN, THENCE

SOUTH 9 27'46" WEST (FORMERLY SOUTH 9 05' WEST) A DISTANCE OF 75.13 FEET TO A FOUND STEEL PIN, THENCE

SOUTH 12 46'08" EAST (FORMERLY SOUTH 12 29' EAST) A DISTANCE OF 96.43 FEET TO A FOUND PK NAIL, THENCE

SOUTH 7 25'14" WEST A DISTANCE OF 46.05 FEET (FORMERLY SOUTH 7 15' WEST A DISTANCE OF 46.20 FEET) TO A FOUND STEEL PIN, THENCE LEAVING SAID EASTERLY BOUNDARY

SOUTH 79 37'23" WEST A DISTANCE OF 170.66 FEET TO A SET STEEL PIN, THENCE

NORTH 71 53'23" WEST A DISTANCE OF 274.08 FEET TO A SET STEEL PIN, THENCE

NORTH 10 30'14" EAST A DISTANCE OF 148.56 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

MICROFILMED  
OCT 07 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ County of \_\_\_\_\_
- b. License No. 61-3447 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attached. If A. Check appropriate box below:

☐ Tax Notice
 ☒ Warranty Deed
 ☐ Other \_\_\_\_\_
3. Source of water Ashton Gulch tributary to Robie Creek4. Date of priority 4/26/1965

## 5. Water is used for the following purpose

amount 0.10 for irrigation purposes from 4/1 to 10/15  
(cfs AAR)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs ac-ft)

6. Total amount of water under right 0.10 cubic feet per second and/or 39.1 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | N | N  | N  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | SW | NW | 30  | 4N  | 4E  | Boise  |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

## 8. Lands irrigated or place of use

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |     |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|-----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | ac     | ac | ac | ac | ac     | ac | ac  | ac | ac     | ac | ac | ac | ac     | ac | ac | ac |        |
| 4N  | 4E  | 30  |        |    |    |    | 1.7    | 12 | 1.5 |    |        |    |    |    |        |    |    |    | 15.2   |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |     |    |        |    |    |    |        |    |    |    |        |

TOTAL acres 15.29. Describe any other water rights used for the same purpose as described above none

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

NO If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.01 for irrigation purposes from 4/1 to 10/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | NW  | 30   | 4N   | 4E   | Boise  |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 4E   | 30   |        |        |        |        |        |        |        | 1.5    |        |        |        |        |        |        |        |        | 1.5    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 1.5

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

1. amount 0.09 for irrigation purposes from 4/1 to 10/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | NW  | 30   | 4N   | 4E   | Boise  |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 4E   | 30   |        |        |        |        | 1.7    | 12     |        |        |        |        |        |        |        |        |        |        | 13.7   |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 13.7

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 63-34473356

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Elvin J. AlbistonPhone 939-0002 (Eagle)Post Office address HC 33, Box 2220, Boise, ID 83706

## A. PURPOSE OF TRANSFER

- 1.
- ☐
- Change point of diversion
- ☒
- Add diversion point(s)
- ☐
- Change place of use

- ☐
- Change nature of use
- ☐
- Change period of use
- ☐
- Other \_\_\_\_\_

2. Describe the reason for the proposed changes
- Applicant would like to move diversion point to his own property.

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

| 1 | Right Number    | Priority         | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use |              |
|---|-----------------|------------------|-----------------------|-------------------|---------------|--------------|
|   | <u>63-3447B</u> | <u>4/26/1965</u> | <u>0.01</u>           | <u>irrigation</u> | <u>4/1</u>    | <u>10/15</u> |
|   |                 |                  |                       |                   | to            |              |
|   |                 |                  |                       |                   | to            |              |
|   |                 |                  |                       |                   | to            |              |
|   |                 |                  |                       |                   | to            |              |

2. Total amount of water being transferred
- 0.01
- cubic feet per second and/or
- 3.9
- acre-feet per annum

3. Source of water
- Ashton Gulch
- tributary to
- Robble Creek

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | NE  | NW  | 30   | 4N   | 4E   | Boise  |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4N   | 4E   | 30   |        |        |        |        |        |        |        | 1.5    |        |        |        |        |        |        |        |        | 1.5    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 1.5

## PART 1

## 6. General Information

- a. Description of diversion system 12" (width) x 30" (height) dam in stream made out of 6" x 6" boards, center spillway.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change, just moving diversion to our own property.

- d. Remarks:

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-34478

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

30<sup>th</sup>

day of

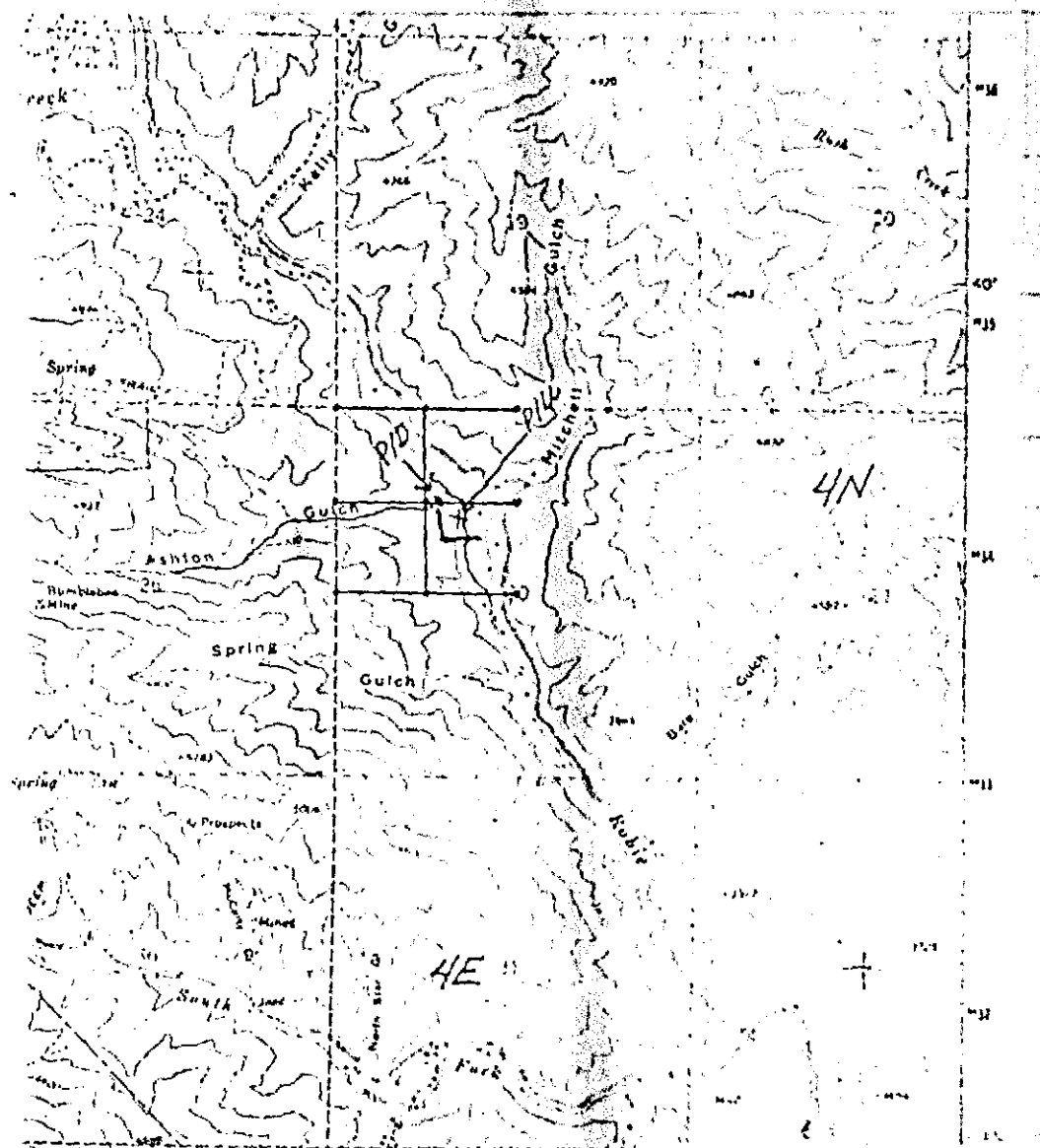
October

, 19 57

L. Glen Saxton  
Chief, Operations Bureau

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-2447 Priority April 26, 1965 Amount 0.10 cfs.

THIS IS TO CERTIFY, that Richard E. &/or Carole Evers

of Boise, Idaho, has complied with the terms and conditions of Permit

No. 63-3447 issued pursuant to Application for Permit dated April 26, 1965

and is submitted to the Department of Water Resources on September 30, 1971

that the applicant water is for beneficial use, an examination by the Department indicates that the works have a

capacity for the diversion of 0.10 cfs of water from Ashton Gulch

tributary to Robie Creek and that the permit holder has applied to a beneficial use and

obtained a right to use water as follows:

| Beneficial Use         | Period of Use              | Rate of Diversion | Annual Volume  |
|------------------------|----------------------------|-------------------|----------------|
| Irrigation             | from April 1 to October 15 | at 0.10 cfs and   | 39.1 acre feet |
|                        | from to                    | at cfs and        |                |
|                        | from to                    | at cfs and        |                |
| (both dates inclusive) |                            |                   |                |

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is attached and confirmed is for the purpose also mentioned and is limited to the amount which can actually be beneficially used and shall not exceed 15.2 acre feet per year, and waters to be diverted within the SW 1/4, Sec. 30, Twp. 4N, Rge. 4E, B. M. within the County of Boise

Description and location of place of use

| Twp. | Range | Sec. | Sec. 30 |        |        |        | Sec. 31 |        |        |        | Sec. 32 |        |        |        | Sec. 33 |        |        |        | 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 |        |
| 4N   | 4E    | 30   |         |        |        |        | 17      | 12     | 15     |        |         |        |        |        |         |        |        |        | 15.2   |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |
|      |       |      |         |        |        |        |         |        |        |        |         |        |        |        |         |        |        |        |        |

Total number of acres irrigated 15.2

Any amendments to the license shall be made within the limits of Section 42-222, Idaho

Receipt # 934

11-31-77 JWC

## APPLICATION FOR AMENDMENT

POOR ORIGINAL

Permit No. 63-3447

Comes now Norman Greenblatt of (address) Idaho

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-3447 and requests that the permit and permit map be changed as follows:

1. Point of diversion: \_\_\_\_\_, Sec. \_\_\_\_\_ Twp. \_\_\_\_\_  
Rge. \_\_\_\_\_, D. M., County of \_\_\_\_\_ Other points of diversion: \_\_\_\_\_

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

|                                       |      |
|---------------------------------------|------|
| Total number of acres to be irrigated | 15.2 |
|---------------------------------------|------|

MICROFILMED  
OCT 07 1996

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Besse, Idaho, this 21<sup>st</sup> day of November, 19 44.

[Signature]  
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby approve the foregoing Application for Amendment for Permit No. 63-3447.

Witness my hand this 29 day of January, 19 48.

[Signature]  
Director

POOR ORIGINAL

MICROFILMED  
OCT 17 1996

# NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 63-3447 in the name of Richard E. &/or Carole Evers was issued for the diversion of 0.75 cubic feet per second of water from Ashton Gulch tributary to Robie Creek with the point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 30 T4N-R4E B.M., Boise County to be used from April 1 to November 1 for irrigation of 25 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec 30 T4N-R4E B.M.

The permit holder now proposes to amend Permit No. 63-3447 changing the place of use to within the W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec 30 T4N-R4E B.M.

Any protest to this proposed amending of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83705 on or before December 26, 1977.

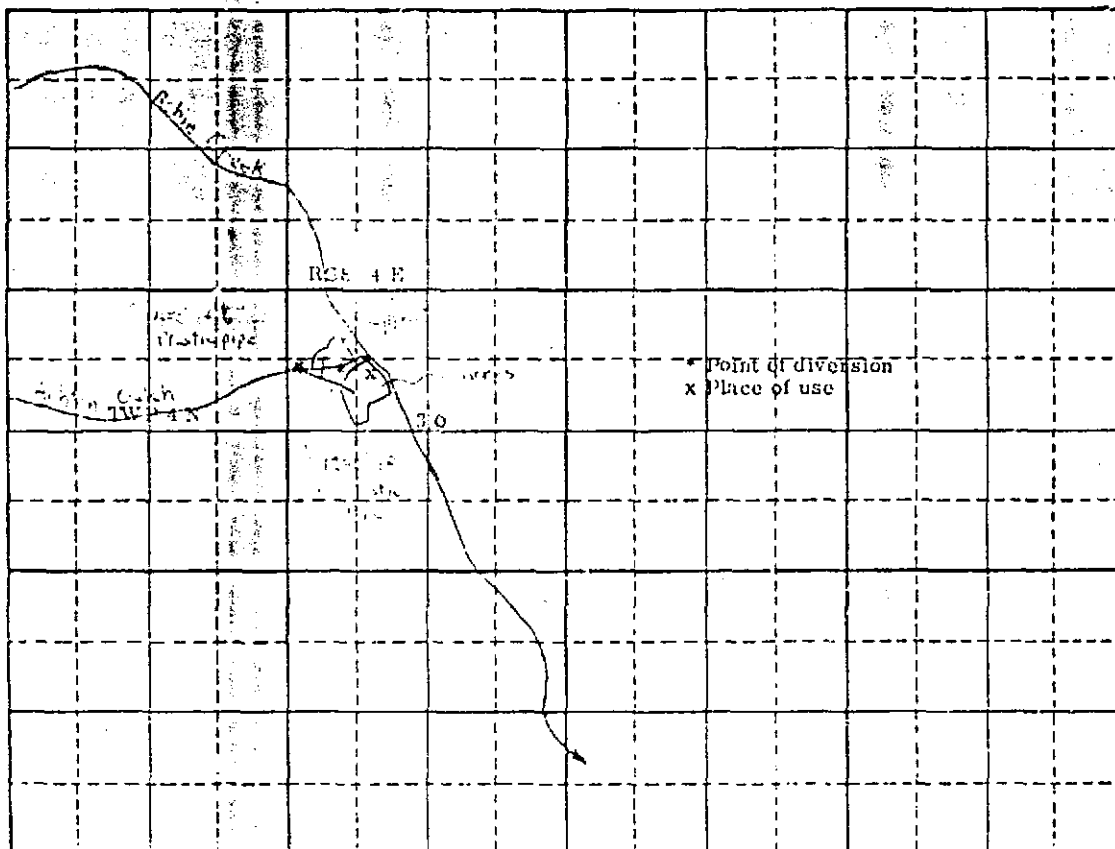
C. STEPHEN ALLRED

Director

Published in the Idaho World, Idaho City, Idaho on or before December 9 & 16, 1977.

067-07 1947

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, \_\_\_\_\_, Director of the Department of Water Resources

hereby \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Director

MICROFILMED  
 OCT 07 1996

6/29 not operating problem year 2006

MICROFILMED  
 OCT 07 1995



DATE OF EXAM. 8-31-76

ACREAGE  
Found 5.0 15.2  
Recommended 5.0 15.2

ORIGINAL

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 0.10 c.f.s. V = 24.1 AF/Ann. from 24.1 to 19.15  
Domestic Q =        c.f.s. V =        AF/Ann. from        to         
Livestock Q =        c.f.s. V =        AF/Ann. from        to       

Is water co-mingled? yes no X

Name source:         
Twp        N/S, Rge        E/W, B.M., Sec.        Sub.        1/4        County       

Exchange? yes no X

Name source exchanged with:         
Twp        N/S, Rge        E/W, B.M., Sec.        Sub.        1/4        County       

Point of injection:  
Twp        N/S, Rge        E/W, B.M., Sec.        Sub.        1/4        County       

Point of exchange:  
Twp        N/S, Rge        E/W, B.M., Sec.        Sub.        1/4        County       

Total Q measured 0.10-15 c.f.s. Method of measurement pressure gage

Total Q recommended 0.10 c.f.s. Meter No.        Type        Condition       

Total V recommended 24.1 AF/Ann.

Recommended Amendments:

POOR ORIGINAL

P.D.         
Place of Use SE 1/4 NW 1/4, Sec 30, T4N R4E  
Other Bureau County, not Adm.  
None       

MEASUREMENT CALCULATION:

psl at spin. needles 30, 31, 28, 24, 24, 22, 30, 28

6.07 gpm + 6.07 + 6.07 + 5.5 + 5.5 + 5.5 + 6.07 + 6.07 gpm = 46.85 gpm  
44.85 - 0.1043 c.f.s.  
4.5 AF/Ann. = 20.5 AF/Ann.

SYSTEM DESCRIPTION:

distributing from 30' dia. catch on the wooden dam diverting water into  
6" plastic pipe running up for 3, 22' to place in a - gravity flow from  
pt to 3 model 3.0 pump to 6" in for 32' needles

REMARKS:

Re-examined on 5/14/77 by William MacMillan.  
Conclusion re. old. See attached note.

Examiner's Signature Pete Glynn Date 8-31-76

Checked by        Date 8-15-76

Approved by        Date 5-20-77

NO COPY-CLIMED  
OCT 07 1976

MEMO

To: Western Regional Office

From: State Office

Date: 12-30-76

Herewith forwarding field exam report for Permit No. 63-3447

Cannot issue license until the following is determined:

- ☐ Amount of water measured
- ☐ Location of point of diversion
- ☐ Place of use for domestic
- ☐ Place of use for stockwater
- ☐ Place of use for irrigation (number of acres in each 40-acre subdivision)
- ☐ Installation of measuring device
- ☒ Permit holder does not agree with findings of examiner, please re-examine for Q and no. of acres!
- ☐ Other

Permit holder claims that there are indeed 25 acres irrigated from this system.

He also requested that the re-exam be made early in the year when water is high.

If at all possible, please make ~~at~~ this a priority exam next spring.

dr

Exam Sat. May 14  
9: AM

The point of contention between the examiner's findings and Mr. Biloschaetzke is the amount of irrigated land and the volume of water. It found three fields as follows:

1. 1.5 Acres (193 ft x 333 ft) measured with tape
  2. 1.7 Acres (151 ft x 490 ft) measured with tape
  3. 12.0 Acres (500 ft x 1000 ft) estimated
- 15.2 total Acres

1. is in SE NW Sec. 30 T4N, R4E
2. is in NW NW Sec 30 T4N, R4E
3. is in SW NW Sec. 30 T4N, R4E

The volume calculation:

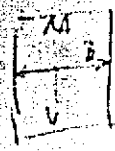
$$4.5 \text{ Acrefeet/Acre-Year} \times 15.2 \text{ Acres} = 68.4 \text{ Acrefeet}$$

$$44.55 \frac{\text{gallons}}{\text{minute}} \times 60 \frac{\text{minutes}}{\text{hr.}} \times 24 \frac{\text{hr.}}{\text{day}} \times 197 \text{ days} \div 325900 \frac{\text{gallon}}{\text{Acrefeet}} = 39.07 \text{ Acreft.}$$

$$\text{Volume recommended} = 39.1 \text{ Acreft.}$$

Examiner: William A. Rice Allister 5/14/77

SE NW  
 A = 193 ft  
 B = 333 ft.



1.49 A

$$1.2 \times 10^3$$

$$\begin{array}{r} 1.2 \\ 1.2 \\ 2.4 \\ 1.2 \\ \hline 1.44 \end{array}$$

SW NW  
 B = 490

1.70 A

$$\frac{1.44 \times 10^6}{4.0 \times 10^1} =$$

A = 151

$$\begin{array}{r} 38 \\ 4 \overline{) 151.44} \\ 24 \end{array}$$

$$\sim 3.8 \times 10^4 \frac{\text{ft}^2}{\text{acre}} \times 10^5$$

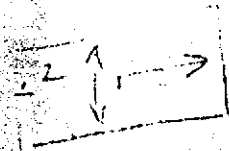
NW NW  
 - 14 Acres

11.89

$$\begin{array}{r} 151 \\ 490 \\ \hline 13590 \\ 604 \\ \hline 73990 \end{array}$$

$$\frac{7.4 \times 10^4}{3.8 \times 10^4} \sim 2 \text{ Acres}$$

SUC of 11.89 ft



3x =

POOR ORIGINAL

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-03447B

2004 AUG 16 PM 1:49  
FILED  
TWIN FALLS CO., IDAHO  
SRBA

NAME AND ADDRESS: BIFF ESHELMAN  
31 SONSHINE LANE  
BOISE, ID 83716

SOURCE: ASHTON GULCH TRIBUTARY: ROBIE CREEK

QUANTITY: 0.01 CFS  
3.90 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .10 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 39.1 AF. COMBINED RIGHT NOS.:  
63-3447C & 63-3447D.

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION: T04N R04E S30 NENW Within Boise County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|-------------------------------|----------------|----------------|----------------------|
|                               | Irrigation     | 04-01 TO 10-15 | 0.01 CFS<br>3.90 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,  
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE  
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK  
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY  
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE  
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.  
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 OF LAW; PROVIDED THAT  
ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER  
OCTOBER 31 SHALL BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN  
LUCKY PEAK RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA  
CASE NO. 39576.

| PLACE OF USE: | Irrigation                                | Within Boise County |
|---------------|-------------------------------------------|---------------------|
|               | T04N R04E S30 NENW 0.5<br>1.5 Acres Total | SENEW 1.0           |

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 15.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-3447C & 63-3447D.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

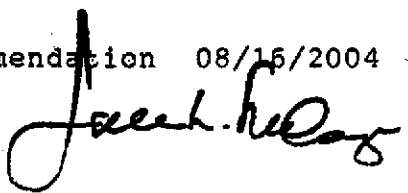
OTHER PROVISIONS (continued)

ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Recommendation 08/16/2004



---

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

08/12/2003

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

RIGHT NUMBER: 63-3447B

NAME AND ADDRESS: BIFF ESHELMAN  
31 SONSHINE LN  
BOISE ID 83716

SOURCE: ASHTON GULCH CREEK

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.010 CFS  
3.90 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .10 CFS AND TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 39.1 AF. COMBINED RIGHT NOS.:  
63-3447C & 63-3447D.

PRIORITY DATE: 04/26/1965

POINT OF  
DIVERSION: T04N R04E S30 NENW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 4/01 10/15           | 0.010 CFS<br>3.90 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER  
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.  
THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER  
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO  
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY  
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR  
THIS RIGHT.

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

T04N R04E S30 NENW 0.5 T04N R04E S30 SENW 1.0

1.5 ACRES TOTAL

SF5 - 63-3447B

*DL*  
*APB*  
*BE*

Ron

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

A. Subcase 63-3447B

(Insert water right number)

Case No. 39576

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: Biff Eshelman

Address: 31 Sonshine Lane  
Boise, ID 83716

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

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

**E. REASONS SUPPORTING EACH OBJECTION(S):**

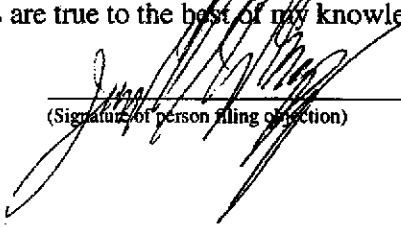
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

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

State of Idaho )  
 ) ss.  
County of Ada )

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

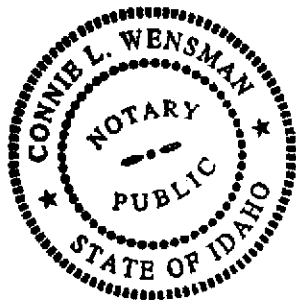
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

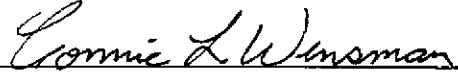
  
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003



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

## INSTRUCTIONS FOR MAILING

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

### G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Biff Eshelman

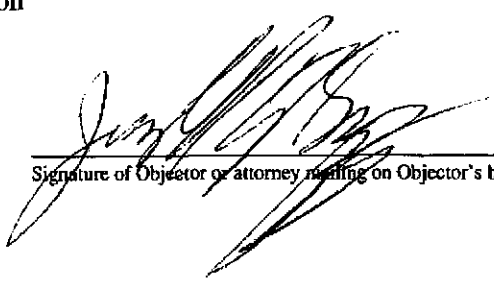
Address: 31 Sonshine Lane  
Boise, ID 83716

3. Copies to:

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf

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

In Re SRBA )

Case No. 39576 )

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

**STANDARD FORM 1  
OBJECTION RECEIVED**

**JAN 31 2003**

Department of Water Resources

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Boise Project Board of Control acting on its own behalf and on behalf of  
and for the following individual entities:  
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder  
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation  
District  
Address: 2465 Overland Road  
Boise, Idaho 83705  
Phone: (208) 344-1141

Name & Address of Attorney, if any:  
Albert P. Barker, ISB # 2867  
Amy D. Chestnut, ISB # 5904  
Barker Rosholt & Simpson, LLP  
205 North 10<sup>th</sup> Street, Suite 520  
P.O. Box 2139  
Boise, Idaho 83701-2139  
Telephone: 208-336-0700  
Facsimile: 208-344-6034

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

Name: See Attachment B  
Address:

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

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

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

F.

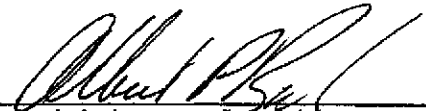
**VERIFICATION (Must be Completed)**

State of Idaho                    )  
                                          ) ss.  
County of Ada                    )

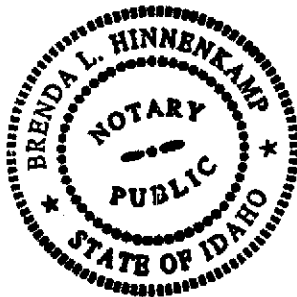
Albert P. Barker, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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

(Signature of person filing objection)

  
(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

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### G. CERTIFICATE OF MAILING

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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:

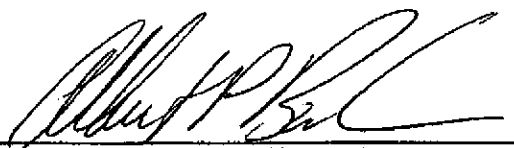
Name: See Attachment B  
Address:

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

Cumer L Green  
PO Box 2597  
Boise ID 83701

63-7119

Michael Robich  
Lynette Robich  
87 Beaver Creek Rd  
Boise ID 83716

63-15395

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

63-7037

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

63-7207

Barbara W Little  
1980 Myers Rd  
Boise ID 83706

63-5192

David Steadman  
Lynae Steadman  
8873 Ottawa Ct  
Boise ID 83709

63-4629A

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

63-5101

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

63-31328

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

63-7984B

Lawrence Poisson  
Sheila Poisson  
3193 Highway 21  
Idaho City ID 83716

63-31335

Val Dean Schroeder  
13 Blacksmith Road  
Boise ID 83716

63-7115

Michael Robich  
Lynette Robich  
87 Beaver Creek Rd  
Boise ID 83716

63-2472

Chapman Ranch LLC  
737 N 7th St  
Boise ID 83702

63-2026

Hilda Larson  
3015 Silver St  
Boise ID 83703

63-31077

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

63-318A

Ranch Subdivision Property Owners  
Assn  
26 Burnett Dr  
Boise ID 83716

63-4797

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

63-31074

Barry Marcus  
737 N 7th St  
Boise ID 83702

63-19A

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

63-19B

Rosemary Swanstrum  
Philip Swanstrum  
2708 Columbus  
Boise ID 83705

63-5057

Francis Mangum  
Shirley Mangum  
17 Old Mill Rd  
Boise ID 83716

63-31174

Michal Sweeney  
28 N Fork Clear Creek Rd  
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co  
737 N 7th St  
Boise ID 83702

63-5235

Rex E Lanham  
2630 Highway 21  
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum  
14364 E Highway 21  
Boise ID 83716

63-31124

Allen Cupit  
Diana Cupit  
25 Old Mill Rd  
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow  
787 David Way  
North Salt Lake UT 84054

63-15677

Barry Marcus  
737 N 7th St  
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham  
2630 Highway 21  
Boise ID 83716

63-320A

Wade C Woolery  
1902 Thompson Street  
Richland WA 99352

63-15409

Wilda Bradley  
33 Wild Rose Ln  
Boise ID 83716

63-4636

Connie M Claus  
105 Johnson Creek Rd  
Boise ID 83716

63-31173

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

63-31320

David Peterson  
Toni Peterson  
14 Homestead Ct  
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham  
2630 Highway 21  
Boise ID 83716

63-31380

Rex E Lanham  
2630 Highway 21  
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham  
2630 Highway 21  
Boise ID 83716

63-7613D

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  
Lizabeth 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

02/26/2002

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

RIGHT NUMBER: 63-3447B

NAME AND ADDRESS: BIFF ESHELMAN  
31 SONSHINE LANE  
BOISE ID 83716

SOURCE: ASHTON GULCH

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.01 CFS  
3.9 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF .10 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 39.1 AF. COMBINED RIGHT NOS.: 63-3447C & 63-3447D.

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION:

T04N R04E S30 NENW Within BOISE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 4/01 10/15           | 0.010 CFS<br>3.90 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY  
AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED  
OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER  
BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE  
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION  
USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS  
ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BOISE County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T04N R04E S30 | NENW | 0.5 | T04N R04E S30 | SENE | 1.0 |
|---------------|------|-----|---------------|------|-----|

1.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 15.2 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 63-3447C & 63-3447D.

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: License

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: 63-3447B

BIFF ESHELMAN

31 SONSHINE LANE

BOISE ID 83716

Telephone Number: (208)342-3648

RECEIVED

MAR 20 2002

Department of Water Resources

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

RECEIVED

MAR 21 2002

WATER RESOURCES  
WESTERN REGION

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:

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

DATE: 3-10-02

SIGNATURE: BiFF Eshelman

Please print your name: BIFF ESHELMAN

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

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

CLAIM NO(s). A63-3447B

1. ☒ No Change NAME IS SAME  
☐ NEW OWNER: \_\_\_\_\_  
☐ No Change ADDRESS  
☒ NEW ADDRESS: address change on file
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted  
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 4-26-1965  
(If the priority date, based on your exam, seems questionable, explain below.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. ☒ No Change — SAME SOURCE  
☐ Source is different than that claimed:

Source found: \_\_\_\_\_

4. ☒ No Change — POINT OF DIVERSION See transfer 3356.  
☐ 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 _____ | $\frac{1}{4} S E \frac{1}{4} N W = 1$  |
| Use: _____ | Township _____ | Range _____ | Section _____ | $\frac{1}{4} N E \frac{1}{4} N W = .5$ |
| Use: _____ | Township _____ | Range _____ | Section _____ | $\frac{1}{4} \quad \frac{1}{4}$        |
| Use: _____ | Township _____ | Range _____ | Section _____ | $\frac{1}{4} \quad \frac{1}{4}$        |

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

*POU confirmed with claimant during a meeting in our office on 6-25-2001 and then verified in the field.*

*C18, QNT with CED, shoulder remark*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

Print Name

*Mel Schulte*

Signature

# Split Tree 63-03447

63-3447

DR: .10 cfs DV: 39.1 AF

POD: 4N, 4E, S30, SWNW

POU: 4N, 4E, S30, NWNW - 1.7 ac SWNW - 12 ac  
SE NW - 1.5 ac

A63-03447B N/O Estelman

DR: .01 cfs DV: 3.9 AF

T3356 POD: 4N, 4E, S30, NENW

POU: 4N, 4E, S30, SENW - 1.5 ac

A63-03447C N/O Johnson

DR: .08 cfs DV: 30 AF

POD: 4N, 4E, S30, SWNW

POU: 4N, 4E, S30, SWNW - 12 ac

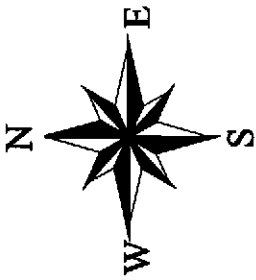
A63-03447D N/O Stephens

T3913 DR: .01 cfs DV: 4.25

POD: 4N, 4E, S30, SWNW

POU: 4N, 4E, S30, NWNW - 1.7

IDAHO DEPARTMENT OF WATER RESOURCES  
T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-3447B

OWNER(S): ESHELMAN

DATE: JUNE 25, 2001

by: Mel Schulte



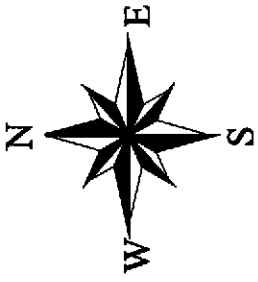
0.75 Miles

0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES  
T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

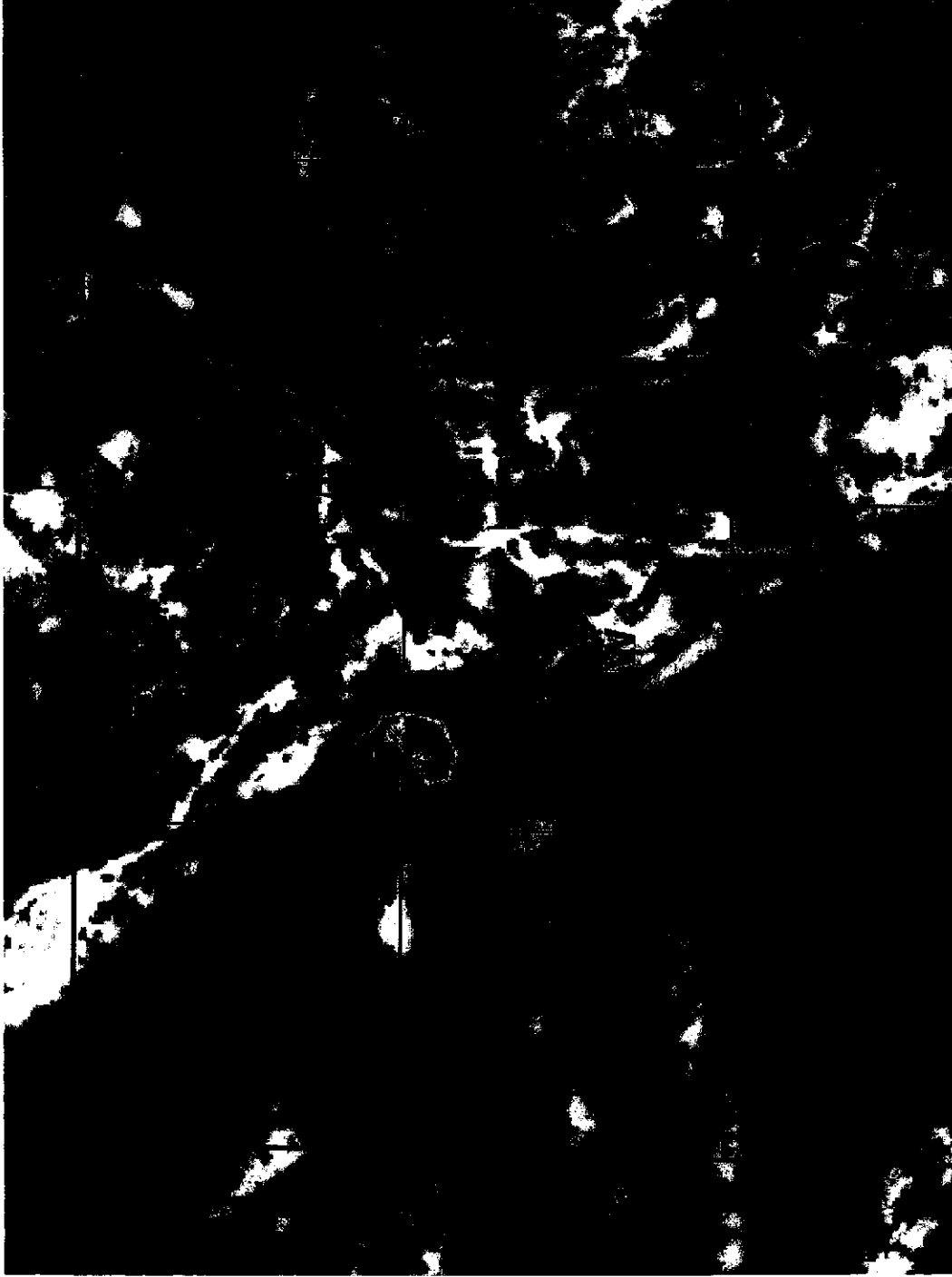
6 SECTION NUMBERS

CLAIM(S): 63-3447B

OWNER(S): ESHELMAN

DATE: JUNE 25, 2001

by: Mel Schulte



0.75 Miles

0.5

0.25

0

06/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report

WATER RIGHT NO. 63-3447B

Owner Type                      Name and Address  
Current Owner                  BIFF ESHELMAN  
                                         HC 33 BOX 2220  
                                         BOISE, ID 83706  
                                         (208)342-3648

Original Owner                  E H AFTON  
                                         , ID

Original Owner                  ELVIN J ALBISTON  
                                         HC 33 BOX 2220  
                                         BOISE, ID 83706

Priority Date:            04/26/1965  
Basis:                    License  
Status:                   Active

Source                                              Tributary to  
ASHTON GULCH CREEK                      ROBIE CREEK

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/15     | 0.01 CFS              | 3.9 AFA       |                    |
| Total Diversion       |             |           | 0.01 CFS              | 3.9 AFA       |                    |

Location of Point(s) of Diversion:

ASHTON GULCH CREEK                  NENW                  Sec. 30                  Township 04N                  Range 04E                  BOISE County

IRRIGATION Use:  
Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION                  BOISE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |  |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|--|
| 04N             | 04E          | 30             |            | SE1/4        | 1.0          |            |              |              |            |              |              |            |              |              |  |
|                 |              |                |            |              | NENW         | 1.5        |              |              |            |              |              |            |              |              |  |
| Total Acres: 2  |              |                |            |              |              |            |              |              |            |              |              |            |              |              |  |

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63 .

Remarks:

1. General AC. IRR. = 1.5.

Dates:  
Licensed Date:                      09/12/1979

06/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

WATER RIGHT NO. 63-3447B

Owner Type                      Name and Address  
Current Owner                      ELVIN J ALBISTON  
                                                 HC 33 BOX 2220  
                                                 BOISE, ID 83706

Original Owner                      E H AFTON

Priority Date:                      04/26/1965  
Basis:                                  License  
Status:                                  Active

Source                                              Tributary to  
ASHTON GULCH CREEK                      ROBIE CREEK

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/15     | 0.01 CFS              | 3.9 AFA       |                    |
| Total Diversion       |             |           | 0.01 CFS              | 3.9 AFA       |                    |

Location of Point(s) of Diversion:

ASHTON GULCH CREEK                      NENW                      Sec. 30                      Township 04N                      Range 04E                      BOISE County

IRRIGATION Use:  
Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION                      BOISE County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 04N             | 04E          | 30             |            | SEnw         | 2            |            |              |              |            |              |              |            |              |              |

Total Acres: 2

Conditions of Approval:

1.      R04      Use of water under this water right will be regulated by the watermaster of State Water District No. 63 .

Remarks:

1.      General                      AC. IRR. = 1.5.

Dates:

Licensed Date:                      09/12/1979  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Application Received Date:  
Protest Deadline Date:  
Number of Protests:      0

