

BRUCE L 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
S 12° 29' E 96.43'

Tx 39 - 7

Tx 38
E. Phi
c/o Id
12

S 89° 12' 30" W 2,049'

2,334.47'

1,320'

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

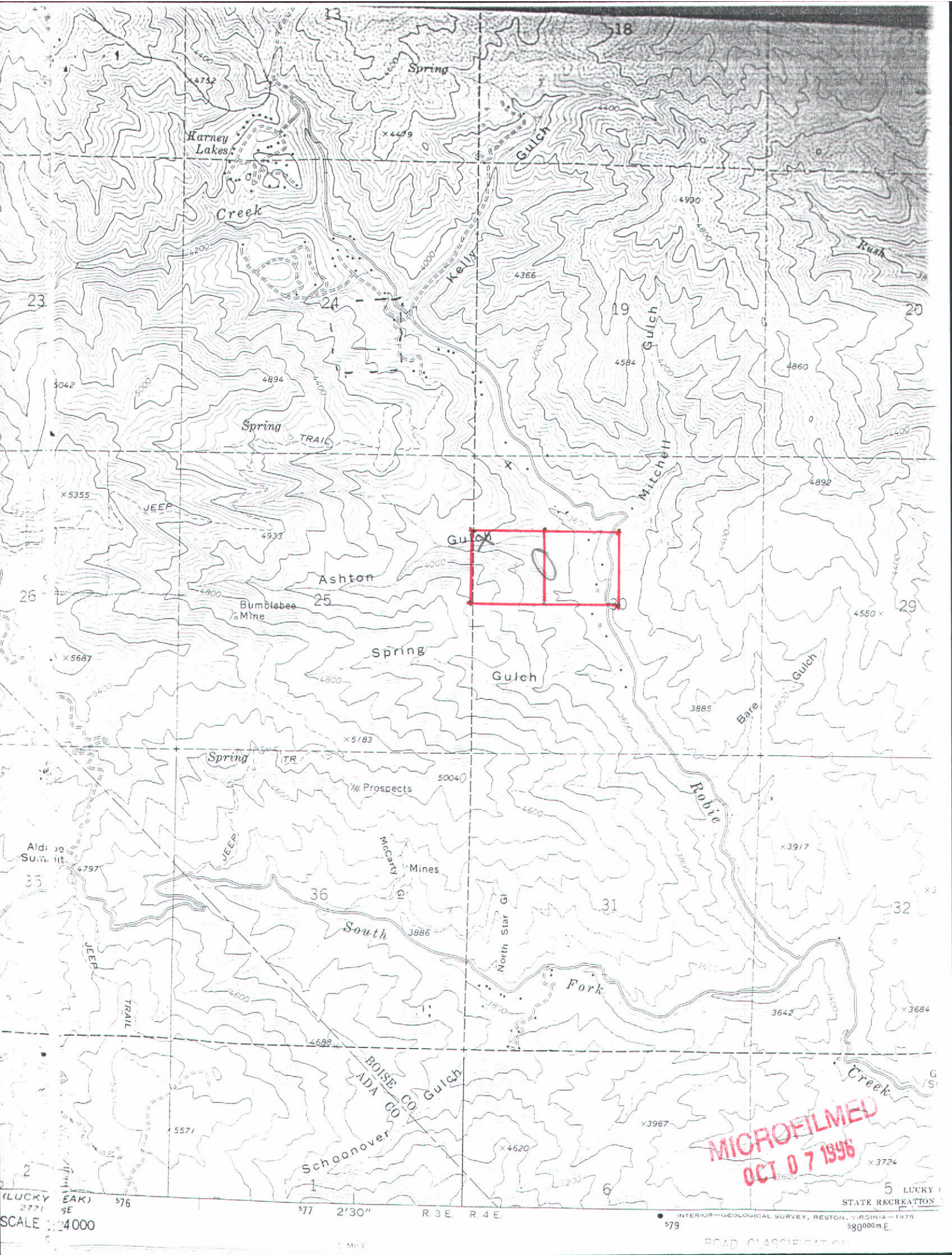
MICROFILMED
OCT 07 1996

1,320'

Tx 42 J McGAW

1,320'

Tx 47



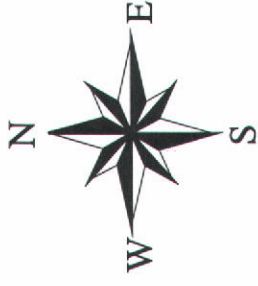
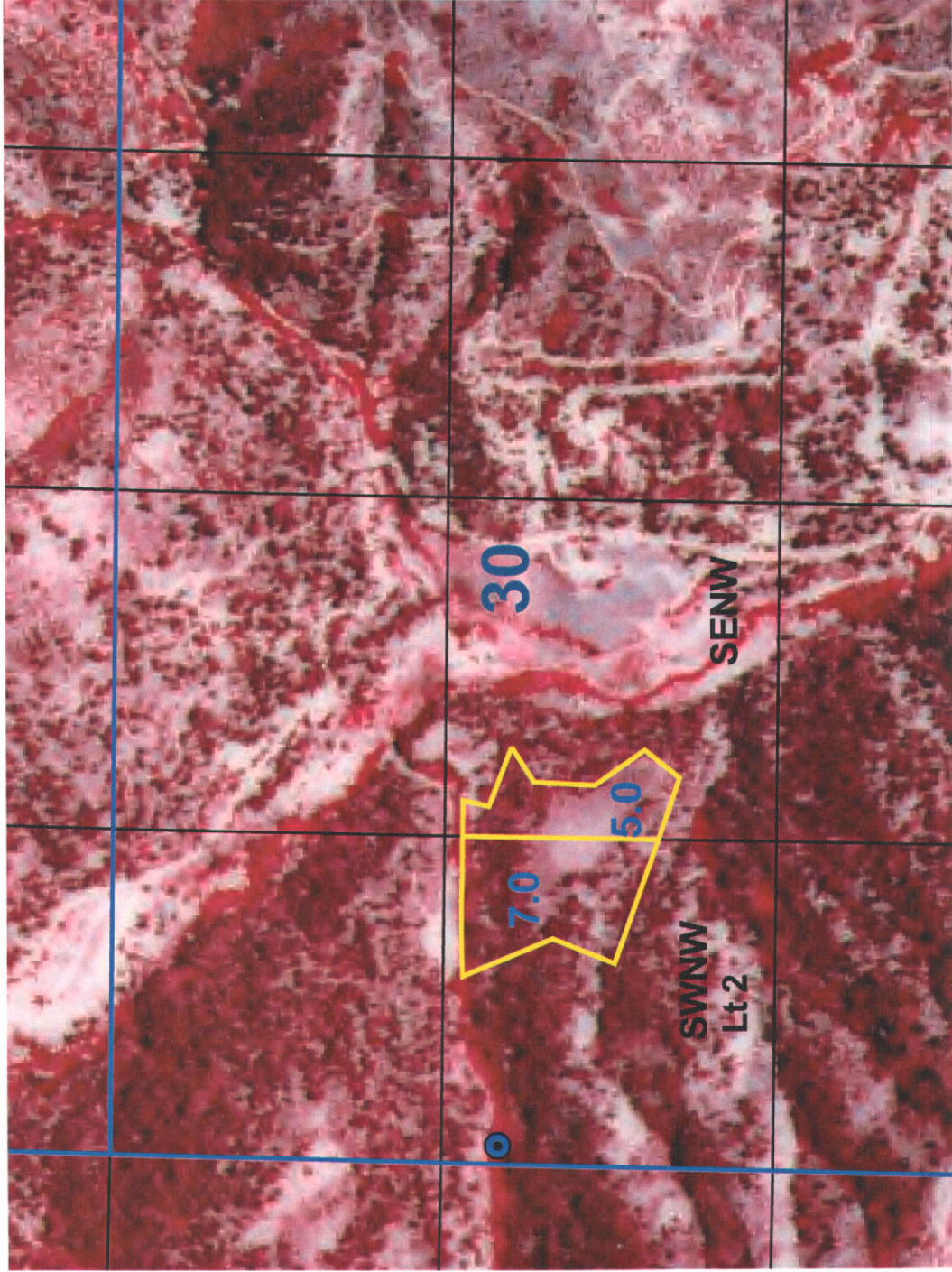
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OCT 07 1996

SCALE 1:4000

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1975
580000m E.

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): 63-3447C

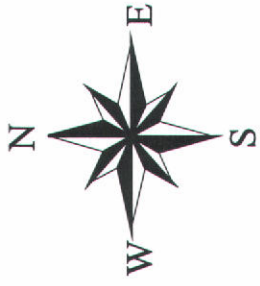
OWNER(S): JOHNSON, ALAN

DATE: NOVEMBER 20, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

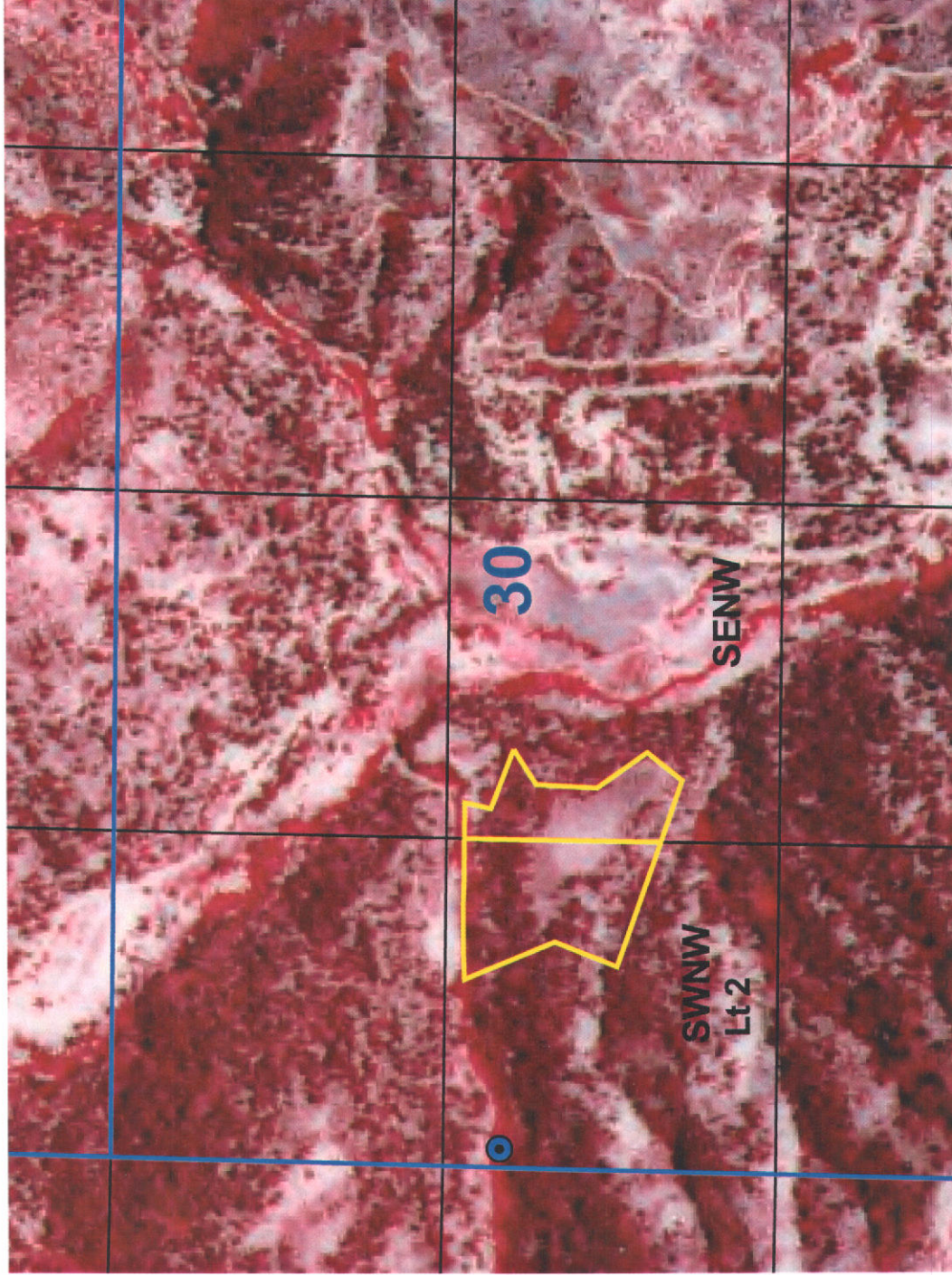
6 SECTION NUMBERS

CLAIM(S): 63-3447C

OWNER(S): JOHNSON, ALAN

DATE: NOVEMBER 20, 2001

by: Mel Schulte



0 0.25 0.5 0.75 Miles

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: A63-03447C
Date Received: 5/ 4/1989
Receipt No: W002694
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN K JOHNSON 208-385-9029
Address: 3929 OVERLAND RD #840
BOISE ID 83715

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	SW	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	0.080		30.00

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SW	NW		IRR	12.0

Section Acres 12.0

Total Acres 12

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:

*THIS IS A SPLIT OFF OF A63-03447A AND IS DUE TO A CHANGE IN
OWNERSHIP. L.R.W., 1/30/91*
ADDRESS CHANGED BY LH 11/2/94.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 07 1998

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: A63-03447C
Date Received: 5/ 4/1989
Receipt No: W002694
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALAN K JOHNSON 208-385-9029
Address: PO BOX 316
IDAHO CITY ID 83631

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	SW	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	0.080		30.00

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SW	NW		IRR	12.0

Section Acres 12.0

Total Acres 12.0

RECORDED
OCT 07 1996

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:

THIS IS A SPLIT OFF OF A63-03447A AND IS DUE TO A CHANGE IN OWNERSHIP. L.R.W., 1/30/91

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 07 1996

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: **A63-03447A** C
Date Received: 5/ 4/1989
Receipt No: W002694
Received By: _____

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

1. Name: ALAN K JOHNSON 208-385-9029
Address: PO BOX 316
IDAHO CITY ID 83631

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	SW	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	0.080		30.00

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) 30.00 A.F.A.

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SW	NW		IRR	12.0
Section Acres							12.0
Total Acres							12.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

*THIS WATER RIGHT HAS BEEN SPLIT AS FOLLOWS:

A63-03447C, CAROLE SORENSON, 1.7 AC, 0.01 CFS (1/15/92-CHG. IN OWNERSHIP TO JAMES STEPHENS)

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03447A
Date Received: 2/24/1989
Receipt No: W 2694
Received By: DE MIA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD E. EVERS
Address: ~~IDAHO CITY STAGE~~
BOISE, ID

See attachment
83706-

Name: CAROLE EVERS
Address: ~~IDAHO CITY STAGE~~
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	SW		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	0.290		35.20

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

35.20 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 07 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04E	30	NW		NW		IRR	2.0
			SW		NW		IRR	12.0
							Section Acres	14.0
							Total Acres	14.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 13.7.

15. Basis of Claim: LICENSE

Water Right Number: 32340

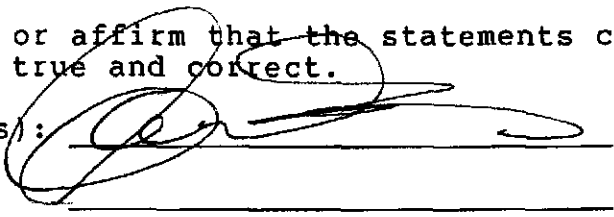
16. Signature(s)

(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: 1

For Individuals:

I/~~we~~ do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): 

Date: 3/27/89

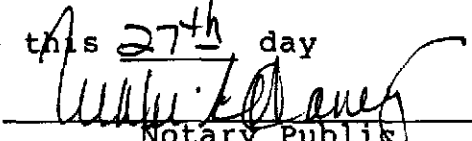
Date:

State of Idaho)

County of VALLEY) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of MARCH 19 89


Notary Public

Seal

Residing at McCall, Idaho

My Commission Expires 1-28-92

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OCT 07 1995

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: A63-03447A
Date Received: 2/24/1989
Receipt No: W 2694
Received By: DE MIN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD E. EVERS
Address: ~~IDAHO CITY STAGE~~
BOISE, ID

See attachment
~~83706~~

Name: CAROLE EVERS
Address: ~~IDAHO CITY STAGE~~
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	SW		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	0.290		35.20

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

35.20 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 07 1995

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	NW	NW		IRR	2.0
			SW	NW		IRR	12.0
						Section Acres	14.0
						Total Acres	14.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 13.7.

15. Basis of Claim: LICENSE

Water Right Number: 32340

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OCT 07 1996

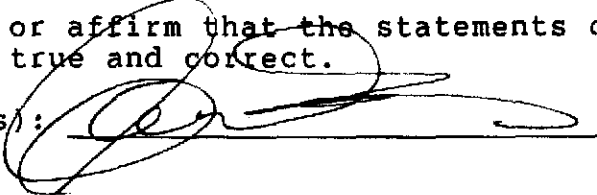
16. Signature(s)

(a.) By signing below, I/~~we~~ acknowledge that I/~~we~~ have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/~~we~~ do do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

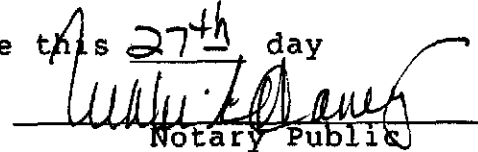
For Individuals:

I/~~we~~ do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 3/27/89
Date:

State of Idaho)
County of VALLEY) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of MARCH 19 89


Notary Public

Seal

Residing at McCall, Idaho
My Commission Expires 1-28-92

MICROFILMED
OCT 07 1998

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. No.

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

Please type or print clearly:

Name of Claimant(s) Carole Sorensen

Mailing Address P.O. Box 146
(include Zip Code) Stanley, Idaho 83278

* if possible, copies of everything to: _____
4518 Tobias Avenue
Sherman Oaks, CA 91403

Phone Number (208) 838-2353

or: (818) 907-5882

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OCT 07 1996

RECEIVED

JAN 09 1991

CHANGE IN OWNERSHIP

Page 1

Department of Water Resources

Western Regional Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A63-03447A

[] Name and Address of Former Claimant(s): Carole Sorensen

P/O Bx 146, Stanley ID 83278

and/or → 4518 Tobias Ave, Sherman Oaks, CA 91403

[] New Claimant(s): Alan K. Johnson

[] New Mailing Address: PO Box 316

Idaho City, ID 83631

New Telephone Number: (208) 385-9029

- [] Does the change in ownership result in a splitting of the water right claimed? X yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:

Irrigation of 12 acres in SWNW Sec 30, 04N 04E, Boise Co.
in the amount of ^{0.08} ~~0.01~~ cfs

(rate based on licensed rate of 0.1 cfs, license 63-03447)
for entire 15.2 acres irrigated

- [] Attach proof of ownership

Describe proof attached:

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

[] Signature of New Claimant(s): Alan K. Johnson

Date: Jan 9, 1991

MICROFILMED
OCT 07 1998

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): _____

Date: _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

1
RECEIVED

JAN 09 1991

Department of Water Resources
Western Regional Office

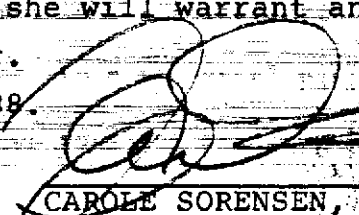
WARRANTY DEED

FOR VALUE RECEIVED, CAROLE SORENSEN, as Trustee (and her successors in trust) of the CAROLE SORENSEN FAMILY TRUST UTA dated September 23, 1986, whose address is P.O. Box 146, Stanley, Idaho, 83278, the Grantor, does hereby grant, bargain, sell and convey unto ALAN JOHNSON, a single man, whose address is P.O. Box 427, Fernley, Nevada, 89408, the Grantee, the following described premises located in Boise County, Idaho, to wit:

See Exhibit "A" attached hereto and made a part hereof by this reference as if set forth in full herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that the said premises are free from all encumbrances; and, that she will warrant and defend the same from all lawful claims whatsoever.

DATED this 8th day of June, 1988.


CAROLE SORENSEN, as Trustee
of the CAROLE SORENSEN FAMILY
TRUST UTA dated September 23,
1986

STATE OF NY)
County of NY) ss.

On this 8th day of June, 1988, before me, VEER. GULATI, a Notary Public in and for said State, personally appeared CAROLE SORENSEN, known to me to be the person whose name is subscribed to the within instrument, as Trustee of the CAROLE SORENSEN FAMILY TRUST UTA dated September 23, 1986, and acknowledged to me that she executed the same as such Trustee of the CAROLE SORENSEN FAMILY TRUST UTA dated September 23, 1986.

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
COMMISSIONER OF DEPT.
City of New York, N.Y.
Certificate filed in No. 1117
Commission Expires, OCT 07 1996

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 1/4 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 Northwest Corner of said Section 30, thence along the westerly boundary of said "EXHIBIT "A"" (Instrument Number 97128) S0°-04'-36"W a distance of 2636.06 feet (formerly S0°-06'-00"W a distance of 2634.58 feet) to a found brass cap monumenting the West 1/4 Corner of said Section 30, thence continuing along said westerly boundary N0°-04'-36"E (formerly N0°-06'-00"E) a distance of 1077.18 feet to a set steel pin, thence leaving said westerly boundary N77°-43'-29"E a distance of 674.18 feet to a set steel pin, said pin being the REAL POINT OF BEGINNING.

Thence N86°-19'-04"E a distance of 792.07 feet to a set steel pin,
Thence S10°-30'-14"W a distance of 113.56 feet to a found steel pin,
Thence S71°-53'-23"E a distance of 274.08 feet to a found steel pin,
Thence S54°-36'-49"W a distance of 134.98 feet to a set steel pin,
Thence S20°-40'-50"W a distance of 252.13 feet to a set steel pin,
Thence S26°-22'-27"E a distance of 239.07 feet to a set steel pin,
Thence S28°-53'-45"W a distance of 143.26 feet to a set steel pin,
Thence N72°-32'-45"W a distance of 323.19 feet to a set steel pin,
Thence N65°-45'-11"W a distance of 457.39 feet to a set steel pin,
Thence N17°-13'-16"E a distance of 216.28 feet to a set steel pin,
Thence N33°-51'-18"W a distance of 371.22 feet to the REAL POINT OF BEGINNING.

The above described tract of land contains 12.07 acres, more or less, subject to all existing easements and rights-of-way.

REPRODUCTION
OCT 17 1996

~~###~~ Alan K. Johnson

PO Bx 316

Idaho City 83631

385 9029

EXHIBIT "A"

A portion of 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 Northwest Corner of said
Section 30; thence
along the Westerly boundary of said Section 30 South $0^{\circ}04'36''$ West, a
distance of 2636.06 feet (formerly South $0^{\circ}06'00''$ West, a distance of
2634.58 feet) to a found brass cap monumenting the West quarter Corner
of said Section 30; thence continuing
along said Westerly boundary North $0^{\circ}04'36''$ East (formerly North $0^{\circ}06'00''$
East) a distance of 1077.18 feet to a set steel pin; thence
leaving said Westerly boundary North $77^{\circ}43'29''$ East, a distance of
674.18 feet to a set steel pin, said pin being the Real Point of Beginning,
thence
North $86^{\circ}19'04''$ East, a distance of 792.07 feet to a set steel pin;
thence
South $10^{\circ}30'14''$ West, a distance of 113.56 feet to a found steel pin;
thence
South $71^{\circ}53'23''$ East, a distance of 274.08 feet to a found steel pin;
thence
South $54^{\circ}36'49''$ West, a distance of 134.98 feet to a set steel pin;
thence
South $20^{\circ}40'50''$ West, a distance of 252.13 feet to a set steel pin;
thence
South $26^{\circ}22'27''$ East, a distance of 239.07 feet to a set steel pin;
thence
South $28^{\circ}53'45''$ West, a distance of 143.26 feet to a set steel pin;
thence
North $72^{\circ}32'45''$ West, a distance of 323.19 feet to a set steel pin;
thence
North $65^{\circ}45'11''$ West, a distance of 457.39 feet to a set steel pin;
thence
North $17^{\circ}13'16''$ East, a distance of 216.28 feet to a set steel pin;
thence
North $33^{\circ}51'18''$ West, a distance of 371.22 feet to the REAL POINT OF
BEGINNING.

Containing 12.07 acres, more or less;
Subject to all existing easements and rights-of-way.

Boise County Idaho ss
Request of

Security

Time 12:08 M.T

Date 7/3/89

132844

Arlene C. Kolar

By

Debra York

10/18/89

RECEIVED

JAN 9 1991

Department of Water Resources
Western Regional Office

PURCHASE AND SALE AGREEMENT

(with Earnest Money Provision)

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY.
READ CAREFULLY BEFORE SIGNING - IF ANY QUESTIONS, CONSULT YOUR ATTORNEY.



EQUAL HOUSING
OPPORTUNITY

Boise,

Idaho

May 10, 1988

(hereinafter called "Buyer")

ALAN JOHNSON,

agrees to purchase, and the undersigned Seller agrees to sell the following property located in Robie Creek
County of State of Idaho, commonly known as n/a
legally described as: See attached legal description

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the property if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

Earnest Money.

(a) Buyer hereby deposits and a receipt is hereby acknowledged of Five hundred and no/100 Dollars (\$ 500.00)
evidenced by ☐ Cash, ☐ Personal Check, ☐ Cashiers Check, ☐ Note Due, or

(b) Earnest Money to be deposited in trust account upon acceptance by all parties.

(c) All Earnest Money shall be held by Seller for the benefit of the parties hereto,
and Seller's attorney (Seller) shall hold the completely executed broker's copy of this agreement.

TOTAL PURCHASE PRICE IS

Twenty four thousand and no/100

DOLLARS (\$ 24,000.00) payable as follows:

(a) \$

Cash down, including above Earnest Money.

(b) \$

The balance of the purchase price will be paid as follows:

Cash at closing

RECORDED
OCT 07 1996

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of May 18, 1988. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.
3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are: None

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the property from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said property. The parties agree that Safeco Insurance and Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said property is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow, and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available where not otherwise provided by law; the parties shall each pay one-half of said closing agent's fees.

5. It is hereby agreed that the "closing agent" for this agreement shall be Safeco Insurance and Title Company is the broker responsible for the closing.

The closing date shall be June 20, 1988

6. Seller shall deliver possession to Buyer on or before date of closing and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of date of closing except as follows: _____

7. The parties agree that this agreement contains the following additional terms and conditions:

See attached Contingencies

8. The following items are specifically excluded from the sale:

The following items are specifically included in the sale:

9. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency:

Selling Agency:

n/a

By:

n/a

By:

Buyer Alan K Johnson May 11, 1988

Buyer

On this date _____, I / We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of _____% of selling price or _____ DOLLARS (\$ _____) to the above named broker(s) for services. Said commission shall be payable at closing or upon default on this Agreement, whichever occurs first. The amount or due date thereof cannot be changed without the prior consent of the Listing and Selling Agent/Broker Company. I / We further acknowledge receipt of a true copy of this agreement with the complete legal description of the property inserted and signed by both parties.

Seller

Seller

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the property, is hereby received on this _____ day of _____, 19 _____

Buyer

Buyer

BUYER'S RECEIPT

JUNE	RECEIVED	FULL PAYMENT
------	----------	--------------

10

342-0509 DR 462-3073

DATE PAID
AUG 07 1936

Department of Water Resources
Western Regional Office

YOUR CANCELLED CHECK IS YOUR RECEIPT
PLEASE ENCLOSE PROPER STUB WITH PAYMENT

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. No.

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

Please type or print clearly:

Name of Claimant(s) Carole Sorensen

Mailing Address P.O. Box 146
(include Zip Code)

Stanley, Idaho 83278

* if possible, copies of everything to:

4518 Tobias Avenue
Sherman Oaks, CA 91403

Phone Number (208) 838-2353

or: (818) 907-5882

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
S 12° 29' E 96.43'

Tx 39 - 7

Tx 38
E. Phi
c/o Id
12

S 89° 12' 30" W 2,049'

2,334.47'

1,320'

N 1/2, N 1/2, N 1/4, N 1/8, W. H. H. 5 ac

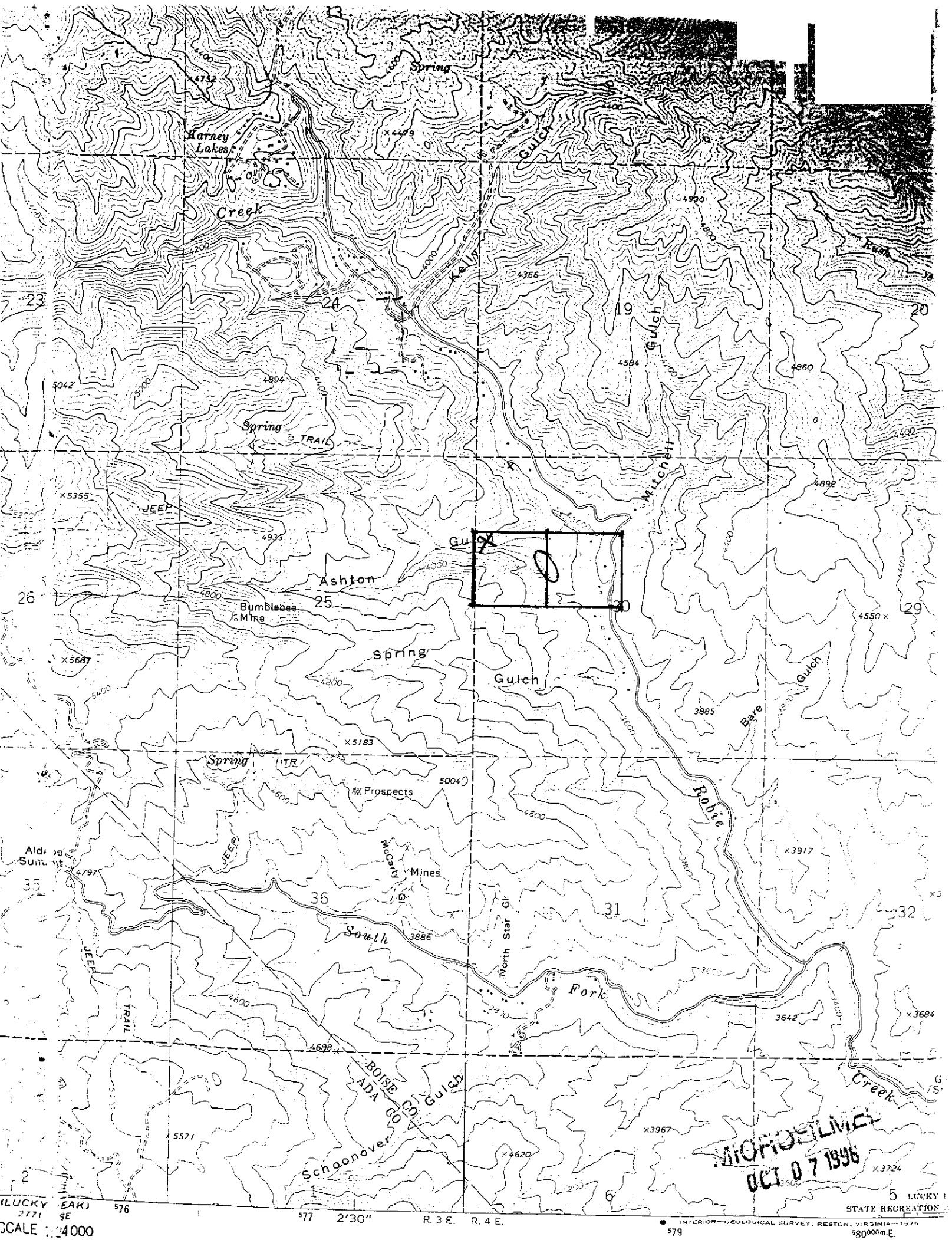
MICROFILMED
OCT 07 1996

1,320'

1,320'

Tx 42 J MCGRAW

Tx 47



Water Right Number - A63-03447D	Prefix Translation:	ADJUDICATION CLAIM	Old (D) Number - 32340
+ - - - - Last Name - - - - +	+ - First Name - - +	- - - - - Address - - - - -	- - - - - +

*** C - CURRENT OWNER ***
JOHNSON

ALAN K.

1 - P.O. BOX 316

*** 0 - ORIGINAL OWNER ***
SORENSEN

CAROLE

1 - P.O. BOX 146

SORENSEN

CAROLE

1 - 4518 TOBIAS AVENUE
FLORIE - 709-658-2333

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EVERS

RICHARD E.

1 - IDAHO CITY STAGE

EVERS

CAROLE

1 - IDAHO CITY STAGE

+ - - Priority Date	- - +	+ - - Region	- - - +	+ . . . Stage	- - - +	+ - - Status	- - - +
04/26/1965		14 WESTERN				7 - SEE REMARKS	

+-----+ Source -----+-----+ Tributary -----+	
DELETE CLAIM	NUMBER CHANGE
ASHTON GULCH	ROBIE CREEK

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
+	-	-	-	-	-	-	+

(15) BOISE

Code	Description	Period From	Water Use Period To	Division Rate	Division Volume
01 -	IRRIGATION	04/01	10/15	0.080	30.00

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OCT 07 1996

Water right number - A63-03447D Prefix Translation: ADJUDICATION CLAIM

+ - Total Div. Rate - + 0.080 + - Total Div. Volume - + 30.00 + - Total Consumptive Use - + 42.0 + - KW Usage - +

Trn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04N	04E	30	SW NW		12.0	01	IRRIGATION	(15) BOISE

Total Acres: 12.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
THIS IS A SPLIT OFF OF A63-03447A AND IS A RESULT OF A CHANGE
IN OWNERSHIP. L.R.W., 1/30/91.
1/16/92-THE 12 ACRES REPRESENTED ON THIS CLAIM ARE NOW SHOWN ON
A63-03447A WHERE THEY WERE ORIGINALLY SHOWN AND THE 2 ACRE
PORTION ALSO REPRESENTED ON A63-03447A HAS BEEN SPLIT OFF TO
A63-03447C.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 63.

+ - - - - Decree Plaintiff - - + + - - - Decree Defendant - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
01/16/92 WERNER

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	05/04/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	X77777	Water District	-	63
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	
						Notice of Error Flag	-	

MICROFILMED
OCT 07 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 12, 1994

ALAN JOHNSON
PO BOX 316
IDAHO CITY ID 83631

Dear Mr. Johnson;

I am writing in regard to the Notice of Claim to a Water Right which you filed in the Snake River Basin Adjudication. This claim is for the irrigation of 12 acres from Ashton Gulch.

Due to administrative policy your claim has been renumbered from A63-03447A to A63-03447C. I am sending you a copy for your records. Thank you.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

MAKROFILMED
OCT 07 1995

COMMUNICATION DOCUMENTATION

Claim No. A63-03447C & D

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

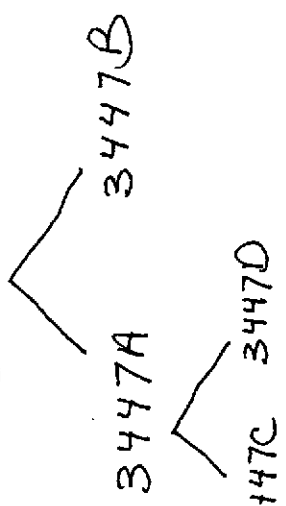
IDWR Employee/Agent Linda Werner Date 10-12-94Contact Person(s) N/ANature of Contact Number change - again & again & etc

Substance of Communication This number has been changed so that the acreages & quantities correspond w/ the numbers assigned by the appropriations section. Consequently, A63-3447C now corresponds w/ 63-3447C & likewise A63-3447D & 63-3447D. This was necessary in order to clean up the discrepancy report. Hopefully the data on the page dated 10-12-94 will help to outline the circumstances.

MICROFILMED
OCT 07 1996

WR

63-3447



HDJ

Johnson	AG3-3447A	12 Ac x 0.08 cfs
Eshelman	3447B	1.5 Ac x 0.01 cfs
Stephens	3447C	1.7 Ac x 0.01 cfs

Albiston	3447B =	0.01 cfs x 1.5 Ac
Evers	3447C =	0.08 cfs x 12 Ac
Stephens	3447D =	0.01 cfs x 1.7 Ac
		0.10 cfs
		15.2 Ac

Albiston to Eshelman

- To Match w/w R
- ✓ 1. Delete AG3-3447A (split right)
 - ✓ 2. Chg. Johnson, 3447A to 3447C
 - ✓ 3. Chg. Stephens, 3447C to 3447D
 4. 3447B is okay.

COPIED
OCT 07 1996

10-12-94. LRW

January 16, 1992

Alan K. Johnson
PO Box 316
Idaho City, ID 83631

SUBJECT: Notice of Claim to a Water Right, A63-03447D

Dear Mr. Johnson:

This letter is to inform you that I have made a number change to the above Notice of Claim. This claim is now numbered A63-03447A. All other aspects of this claim remain the same.

Enclosed is a copy for your files.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure: Notice of Claim to a Water Right, A63-03447A

MICROFILMED
OCT 07 1996

January 30, 1991

Carole Sorensen
4518 Tobias Ave.
Sherman Oaks, CA 91403

Dear Ms. Sorensen:

It has come to my attention, through a change in ownership submitted by Alan Johnson, that you have sold a portion of your property. The Notice of Claim to a Water Right appurtenant to this property is numbered A63-03447A.

Based on this information I have completed a split on this Notice of Claim. I have enclosed a copy of your portion of this split claim numbered A63-03447C.

There is another item that you should be aware of. The total quantity on your Claim, A63-03447A, is shown as 0.29 cubic feet per second (cfs). This is in error. The quantity for this right should have been 0.09 cfs. The initial license was for 0.10 cfs. I believe the error may have occurred during data entry of the right when it was split from 63-03447 to 63-03447A and 63-03447B (a parcel sold to Mr. Albiston). Therefore, the Claim I have enclosed, A63-03447C, reflects this change in quantity.

When conversing with Mr. Johnson regarding this Claim he indicated that the remaining portion of the property referenced in A63-03447C has also been sold. If this should be the case, I have enclosed a change in ownership form and ask that you complete it and return to my attention.

Please feel free to contact me if you have any questions. Thank you for your prompt consideration of this matter.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosures

cc: P.O. Box 146
Stanley, ID 83278

MICROFILMED
OCT 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Date Jan. 30, 1991

[Alan K. Johnson]
[P.O. Box 316]
[Idaho City, ID]
[83631]

Notice of Claim No.(s) AG3-03447D

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

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

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

RECEIVED
OCT 07 1996

FROM

DATE

TO

SUBJECT

Jan Thurtel
 Linda Weiner
 Change of Ownership for A63-03447
 Steve Millemann, attorney for Carol Jorgensen
 Called concerning your letter of 1-30-91. He
 stated that Carol has sold all of her
 property in this area and that the A63-
 03447C may actually be sold to the new owner
 under the name of Kataravou. Please check
 & see if they have filed a B/U claim with the
 no., not knowing they had a portion of the area.
 Also, it looks like Albiston's who have the B position
 over →

 MICHAEL J. JENSEN
 06/07/1996
 SIGNATURE

have 1.5 acres of the orig. H. for .09 cfs leaving
B.7 acres to Carol Trunson. Then, she sends in
a change of ownership for only 12 acres of the
B.7 and .08 cfs leaving .01 cfs & 1.7 acres
for someone else. This someone else accord-
ing to Millmann is Latimer who hasn't
shown a filing for their portion under this claim
no - but may be under another H. Evidently

Carol doesn't want to file under the C portion
you sent because she no longer owns it. We
need to call Boise Co. Assessor & see who does own
it & send them a ~~sub~~round notice. If they
don't file, then the C portion is down the drain.
Let me know what you think. Thanks,
Dan

CONVERSATION MEMORANDUM

DATE 1-25-91FILE AG3-3447ANAME OF PARTY Alan JohnsonEMPLOYEE Linda TurnerRE: Changes in ownership

- Called claimant to verify the quantity of water he wants to claim for his portion of the split.

- Not home @ 1:35 - he will call me back.

1-30-91 - After conversations w/ Alan Johnson & Cindy Nodde (w.r. Agent) & Sharla Curtis (w.r. Allocations) it was determined that the actual flow rate for this right should be 0.09 cfs. The water right base should be the flow rate to be 0.29 cfs which is in error. (Possibly caused by a data entry error.) The water right base info. will be corrected.

MICROFILMED
OCT 07 1996

Dear Sirs,
Please change my
address From

Alan K Johnson
P.O. Box 316
Idaho City, Id
83631

RECEIVED

NOV 01 1994

WATER RESOURCES
WESTERN REGION

To

Alan K Johnson
3929 Overland Rd
#840
Boise Id. 83715

Ident # A63-03447C
Receipt # W002694

Changed From # A63-03447C
To # A63-03447C

MICROFILMED
OCT 07 1994

June 8, 1989

Carole Sorensen
P.O. Box 146
Stanley, ID 83278

Dear Ms. Sorensen:

Enclosed are the final copies of the Notices of Claim you have submitted, along with the receipts on each fee submitted.

In your letter you have referenced a well used for domestic purposes at Robinson Bar Ranch, and whether or not it should be filed. In the past it has not been required for domestic wells, used for single family purposes, to be filed. The Snake River Basin Adjudication began with the requirement that all domestic uses be filed on and because of controversy the Department amended this requirement January 17, 1989. Domestic rules have been amended to allow a deferral of your filing on domestic wells. This means you do not have to file and your water right is still valid.

However, if in the future there is a water problem with your well and another owners well, and you have to go to court, then the price of determining your domestic water right would be paid by you, rather than the State. The domestic uses that can be deferred are as follows: 1)Single family use with up to 1/2 acre of irrigation and 2)Multiple domestic well under single ownership, with up to 1/2 acre of irrigation where the use began prior to March 25, 1963, and does not exceed 13,000 gallons per day. If your use is other than these two, then a claim should be filed to keep the water right active. I am enclosing a brochure which explains the deferral in greater detail to help you decide whether or not to file. Also enclosed are two Notice of Claim forms. The green and white form is used to file on the above mentioned domestic uses (if you decide to file) and the longer form is used to file on any greater use than those listed. The fee for the green and white form is a flat \$25 and the longer form is a \$50 flat fee plus a variable fee as explained in the fee schedule enclosed.

If you have any questions or need assistance completing either form, please feel free to contact me.

Sincerely,

Jan Shurte
Water Rights Supervisor
Adjudication Section

Enclosure
cc: 4518 Tobias Ave.
Sherman Oaks, CA 91403

MICROFILMED
OCT 07 1988

SORENSEN

Post Office Box 146

Stanley, Idaho 83278



Jan Shurte
Water Rights Supervisor
Adjudications Section
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

By Certified Mail

March 27, 1989

Dear Ms. Shurte:

Thank you for your careful and organized preparation of the new water claims to be filed. I really appreciate your time and trouble in making what could have been a difficult task easier.

I am enclosing the signed and notarized claims along with the appropriate fees. I guess that separate checks would be easier for your bookkeepers to deal with, so I have written separate checks, each with the appropriate claim number written on it. Where applicable, (in most cases) I have attached the form changing the name and address to each claim.

I have not enclosed the power plant claim at this time (claim #A72-07274).

I am also wondering about the necessity of filing a claim on the well we use domestically at Robinson Bar Ranch. It seems to me that when I inquired about this on another occasion, I was told it was not necessary to request a permit or file a claim. Is this still the case? Or do I need to file a claim on this well?

You will note that I have asked, on the attachment forms, that, if possible, copies of any correspondence be sent to my office address in California as well as my home address in Stanley. I wanted to mention that in this letter as well.

Thank you again for all your help.

Sincerely,

CAROLE SORENSEN

ENCLOSURE
OCT 07 1989

2004 NOV 8 AM 11 53

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-03447C

NAME AND ADDRESS: DIANE BERKSON
MICHAEL BERKSON
52 SONSHINE LN
BOISE, ID 83716

SOURCE: ASHTON GULCH CREEK TRIBUTARY: ROBIE CREEK

QUANTITY: 0.08 CFS

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.:
63-3447B & 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION: T04N R04E S30 LOT 2 (SWNW) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	0.08 CFS
			30.00 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 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED
FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM
OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S.
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND
ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO
STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE
OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL
BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE:	Irrigation	Within Boise County
	T04N R04E S30 LOT 2 (SWNW) 7.0	SENW 5.0
	12.0 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.: 63-3447B & 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

11/03/2004

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

RIGHT NUMBER: 63-3447C
NAME AND ADDRESS: MICHAEL BERKSON
52 SONSHINE LN
BOISE ID 83716

DIANE BERKSON
52 SONSHINE LN
BOISE ID 83716

SOURCE: ASHTON GULCH CREEK

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.080 CFS

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.: 63-3447B
& 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION:

T04N R04E S30 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/15	0.080 CFS 30.00 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 Lot 2 SWNW 7.0 T04N R04E S30 SENW 5.0

12 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.: 63-3447B & 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

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)

Water Rights: 63-3447C

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 4, 2004


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 4, 2004, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Alan K. Johnson *(former owner)*
3929 Overland Rd #840
Boise, ID 83715

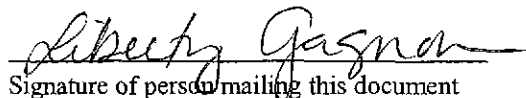
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Michael Berkson *(current owners)*
Diane Berkson
52 Sonshine Ln
Boise, ID 83716

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Boise Project Board of Control
Albert P. Barker
PO Box 2139
Boise, ID 83701-2139

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 4, 2004

Michael Berkson
Diane Berkson
52 Sonshine Ln.
Boise, ID 83716

RE: Water Right No. 63-3447C

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region

LG: lb

Enclosures

Cc:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-3447 C.					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Alank. Johnson
3929 Overland Rd. #840

4. New Owner/Claimant(s)

Boise ID 83715

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Michael + Diane Berkson

City, State and ZIP Code

52 Sonshine Ln Boise ID 83716

New Telephone Number

(208) 336-2134

5. Date you acquired the property

03/03/97

RECEIVED

NOV 6 1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Diane Berkson
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by JFW Date 10/26/04 Fee 25⁰⁰
 Received by JFW Date 10/26/04 Receipt No. W032344
 Processed by _____ AJ Date _____ WR _____ Date _____

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

Subcase No. 63-3447C

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

~~Alan K Johnson~~

Michael or Diane
Berkson

Diane Berkson Oct. 26, 2004
claimant Date

OBJECTOR(s):

USDI/Bureau of Reclamation

David Gehlert 7/13/04
David Gehlert Date
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

OBJECTOR(s):

Boise Project Board of Control

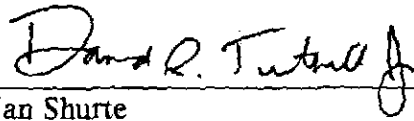


Albert P. Barker

Date

Attorney for Objector(s)

IDWR Concurrence:

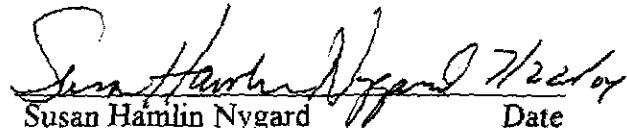


7/23/04

Date

Jan Shurte

Adjudication Supervisor



Date

Susan Hamlin Nygard

Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on Oct. 26, 2004, 2003, I mailed the original and copies of this form, 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, Idaho 83303-2707

2. Copies to:

USDI Bureau of Reclamation
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

~~Alan K Johnson~~
~~3929 Overland Road, #840~~
~~Boise, ID 83715~~

Michael or Diane Berkson
52 Sonshine Ln
Boise, ID 83716

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Diane Berkson
Signature of person or attorney mailing the form

08/12/2003

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

RIGHT NUMBER: 63-3447C

NAME AND ADDRESS: ALAN K JOHNSON
3929 OVERLAND RD #840
BOISE ID 83715

SOURCE: ASHTON GULCH CREEK

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.080 CFS

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.:
63-3447B & 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF
DIVERSION: T04N R04E S30 SWNW Lot 2 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 10/15	0.080 CFS 30.00 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 Lot 2 SWNW 7.0 T04N R04E S30 SENW 5.0

12 ACRES TOTAL

Doc
DL
Sebe
P/B

08/12/2003

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

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.: 63-3447B & 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: BASIS OF CLAIM - License

Don
DL
Sub
CHB

REAL ESTATE PURCHASE AND SALE AGREEMENT

(With Earnest Money Provision)

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING. IF ANY QUESTION, CONSULT YOUR ATTORNEY.

Michael K. Berkson and Diane R. Berkson
Robie Creek, Idaho
State of Idaho, commonly known as
legally described as: see attached

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1. TOTAL PURCHASE PRICE IS \$100,000.00 one hundred thousand and no/100 DOLLARS (\$) payable as follows:

A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of 500.00 Dollars (\$ five hundred dollars)
evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or
paid or delivered as earnest money in part payment of the purchase price for the premises.
(b) Earnest Money to be deposited in trust account upon acceptance by all parties.
(c) All Earnest Money shall be held by Pioneer title for the benefit of the parties hereto, and n/a (Broker) shall hold the completely executed broker's copy of this agreement.

B. Balance of purchase price to be paid as follows: \$20,000.00 down payment at closing, seller to carry a note for \$70,000 to be paid as follows: payable in monthly installments of for 20 yrs at interest per annum

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:

n/a

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that Title Company shall provide said title policy and preliminary report or commitment, it is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees; if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be Pioneer title (Lynn)

Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fee. The closing date shall be March 15, 1997

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before March 15, 1997 and taxes and water assessments (using the last available assessment as a basis), rent, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of closing except as follows:

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense.

8. The parties agree that this agreement contains the following additional terms and conditions: note shall carry no pre-payment penalty of \$5,000

9. The following items of property now on the premises are specifically excluded from the sale: Sellers personal property stored there

The following items of personal property are specifically included in the sale: water pipeline from Ashton Gulch

10. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency: Selling Agency:

Michael K. Berkson HC 33, Box 1188 Boise, ID 83706

Diane Berkson 208 336-2134

On this date, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of % of selling price or DOLLARS (\$) to the above named broker(s) for services.

I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties.

Don K. Johnson P.O. box 215, Golconda, N.V. 208-385-9029 89414

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this day of 19.

STATE OF IDAHO

County of

On this day of 19, before me, the undersigned, a Notary Public in and for said State, personally appeared

known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

BROKER'S COPY Notary Public for Idaho Residing at

Roylance & Associates P.A.

Berkson legal Desc.
Engineers • Surveyors • Landplanners

4619 Emerald, Suite D-2, Boise, Idaho 83704

Telephone (208) 336-7390 Fax (208) 336-7391

February 21, 1997

Project No. 1643

16.34 Acre Tract

A tract of land situated in the Northwest 1/4 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 Northwest Corner of said Section 30, thence following the northerly line of said Section 30 North 89°-45'-51" East a distance of 489.21 feet (formerly North 89°-20'-00" East a distance of 487.50 feet) to a found steel pin, thence leaving said northerly line South 44°-06'-30" East a distance of 496.24 feet (formerly 499.23 feet) to a found steel pin, thence North 89°-20'-00" East a distance of 100.00 feet to a found steel pin, thence North 36°-10'-00" East a distance of 261.60 feet to a found steel pin, thence South 22°-06'-00" East a distance of 205.07 feet to a found steel pin, thence South 56°-02'-00" East a distance of 668.16 feet to a found steel pin, thence South 39°-00'-00" East a distance of 163.89 feet to a found steel pin, thence South 21°-42'-23" West a distance of 367.33 feet to a found steel pin, thence North 43°-38'-31" West a distance of 92.96 feet to a found steel pin, thence South 49°-38'-46" West a distance of 139.14 feet to a found steel pin, thence South 25°-33'-40" West a distance of 148.02 feet to a found steel pin, thence South 10°-30'-15" West a distance of 148.56 feet to a found steel pin, thence South 71°-53'-23" East a distance of 274.08 feet to the POINT OF BEGINNING.

Thence South 54°-36'-49" West a distance of 812.23 feet to a set steel pin,
Thence South 00°-00'-00" East a distance of 590.47 feet to a set steel pin on the southerly line of the Northwest 1/4 of said Section 30,
Thence following said southerly line North 89°-15'-30" East (formerly North 89°-12'-30" East) a distance of 1018.81 feet to a found steel pin,
Thence leaving said southerly line North 27°-30'-30" West a distance of 130.94 feet (formerly 130.04 feet) to a found steel pin,
Thence North 33°-30'-30" West a distance of 313.36 feet to a found steel pin,
Thence North 06°-50'-30" West a distance of 173.96 feet to a found steel pin,
Thence North 10°-20'-30" West a distance of 232.40 feet to a found steel pin,
Thence North 29°-49'-25" East a distance of 166.76 feet to a found steel pin,
Thence North 08°-54'-56" East a distance of 156.83 feet to a found steel pin,

z:\wordtext\1643\legal\2.702

EXHIBIT A



SCANNED
NOV 01 2004

A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

ESCROW INSTRUCTIONS

Pioneer 1031 Company for

Seller: ALAN K. JOHNSON, an unmarried person

Buyer: MICHAEL K. BERKSON and DIANE R. BERKSON, husband and wife

Escrow No.: 154224 LB

Date: 02/28/97

Upon receipt of collected funds sufficient to close this transaction, PIONEER TITLE COMPANY OF ADA COUNTY is authorized to close the above escrow and record the documents delivered to it, as well as to disburse those funds as set forth in the closing statement executed and hereby approved by the Buyer and Seller on the following conditions:

1. **TITLE INSURANCE:** Buyer and Seller instruct Pioneer Title to close this transaction upon notification that an OWNERS STANDARD title insurance policy in the amount of \$100,000.00 insuring Buyer and a MORTGAGEE'S title insurance policy can be issued insuring in an amount not exceeding \$0.00 subject to customary title exceptions, restrictive covenants, easements, and title exceptions 2 thru 8 set forth in title commitment No. 154224 which Buyer and Seller have read and hereby approve.
2. **PRORATIONS:** All prorations between Buyer and Seller shall be as of the date set forth in the closing statement. All prorations shall be based upon a 365 day year, unless the parties otherwise notify Pioneer Title of a different applicable period. Prorations shall be calculated based on the most recently available property tax, rental and insurance information received from the Seller or the Deed of Trust beneficiary or Mortgagee. All water, utility or other prorations not specifically set forth in the closing statement shall be prorated directly between Buyer and Seller outside of this closing. Additional recording fees and additional interest due on any required loan payoffs different from that set forth in the closing statement may be deducted from the appropriate party's funds notwithstanding the amounts set forth in that closing statement.
3. **FIRE INSURANCE:** Pioneer Title shall have no obligation to cancel, transfer or purchase fire or other insurance for Buyer or Seller. All insurance needs of the parties shall be handled directly by the parties outside of escrow.
4. **DISPUTE:** If a dispute arises between Buyer and Seller or with any third party, Pioneer Title shall have the option to await settlement of such controversy between the parties and submission of joint instructions by them, or to institute an interpleader action or otherwise await the entry of a court order or judgment determining the parties' rights to such dispute.
5. **DISBURSEMENTS:** Buyer and Seller agree to pay and reimburse Pioneer Title upon demand any sums paid or otherwise disbursed by it in reliance upon any check, draft or other item delivered to it as part of this closing, if such checks, drafts or other items are returned or otherwise fail to result in the immediate, unconditional deposit or credit of cash funds at closing. If Buyer or Seller fail to present for payment any check or instrument issued by Pioneer Title company within ninety (90) days from the date such check was issued, then Buyer and Seller authorize Pioneer Title Company to deduct the sum of Three Dollars (\$3.00) per month from such funds until the check is presented for payment. If Pioneer Title reissues any stale check, the fee charged to Pioneer Title by its bank for reissuing a check shall be deducted from the funds otherwise due and payable to Buyer or Seller.



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

Escrow Instructions, continued

6. AMENDMENTS: These Escrow Instructions may only be amended in writing signed by the parties to this escrow or as set forth in any written supplemental escrow instruction. Pioneer Title may return the instruments and funds delivered pursuant to these instructions if this transaction fails to close within fifteen (15) working days from the above date, but if Pioneer Title elects not to return the instruments and funds, then this transaction may proceed to close unless otherwise notified by all parties to this escrow.

7. COPIES: Buyer and Seller authorize Pioneer Title to deliver a copy of these instructions and related documentation to Buyer's or Seller's real estate broker, salesman, mortgagee, deed-of-trust beneficiary, attorney or other agent upon request.

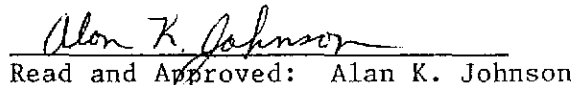
THE UNDERSIGNED ARE HEREBY NOTIFIED THAT THEY HAVE THE RIGHT TO HAVE THE DOCUMENTATION USED IN THE CLOSING AND THESE ESCROW INSTRUCTIONS REVIEWED BY AN ATTORNEY OF THE UNDERSIGNED'S CHOICE AT THEIR OWN EXPENSE PRIOR TO CLOSING AND ANY QUESTIONS THEY MAY HAVE WITH REGARD TO THE DOCUMENTATION SHOULD BE ADDRESSED TO THEIR ATTORNEY. PIONEER TITLE CANNOT ANSWER LEGAL QUESTIONS FOR THE PARTIES.

TRUSTEE'S RECONVEYANCE FEE: Some deeds of trust provide that no reconveyance charge shall be charged to the party legally entitled to the reconveyance while other deeds of trust forms limit the dollar amount of a reconveyance fee. The undersigned nevertheless request that Pioneer Title pay the trustee's customary reconveyance fee notwithstanding any contrary agreement, restriction or limitation set forth in any deed of trust wherein a reconveyance is requested in this transaction. The undersigned knowingly and intentionally waive any restriction or limitation on the collection of a reconveyance fee in this transaction and voluntarily agree to pay the reconveyance fee set forth in the closing statement executed and hereby approved by the undersigned.

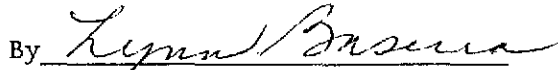

Michael K. Berkson

Diane R. Berkson

Pioneer 1031 Company by Robert E. Onnen, Vice-President


Read and Approved: Alan K. Johnson

PIONEER TITLE COMPANY OF ADA COUNTY

By 
LYNN BASURA
Escrow Officer



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

ACKNOWLEDGMENT AND APPROVAL OF PLAT AND RESTRICTIVE COVENANTS

Re: Escrow No. 154224

With reference to the real estate transaction closing under the above-identified escrow number, the undersigned acknowledges receipt from Pioneer Title Company of Ada County of a copy of the plat of the property that is the subject of the said escrow, as well as a copy of the restrictive covenants that affect the property (if any are applicable). The undersigned has reviewed the same and understands how any matters or information contained therein relate to the transaction now contemplated in escrow.

February 28, 1997

Michael K. Berkson
Michael K. Berkson

Diane R. Berkson
Diane R. Berkson

Received:

PIONEER TITLE COMPANY OF ADA COUNTY

By Lynn Basura
LYNN BASURA, Escrow Officer



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

1031 EXCHANGE DISCLAIMER

IT IS THE INTENTION OF THE UNDERSIGNED TO EFFECT A TAX DEFERRED EXCHANGE WITHIN THE MEANING OF SECTION 1031 OF THE INTERNAL REVENUE CODE. THE UNDERSIGNED HAVE INDEPENDENTLY CHOSEN THEIR INTERMEDIARY, FACILITATOR, OR EXCHANGOR TO BE USED IN THIS TRANSACTION, AND ESCROW HOLDER HAS NOT PARTICIPATED IN ANY WAY IN THE UNDERSIGNEDS SELECTION OF SUCH PARTY. ALL FUNDS OR OTHER PROPERTY RECEIVED WITH REGARD TO THE EXCHANGE ARE HELD BY THE PARTIES INTERMEDIARY OR OTHER FACILITATOR. THE PARTIES TO THIS ESCROW ACKNOWLEDGE AND CONFIRM THAT THEY HAVE NOT RELIED UPON ANY STATEMENT OR REPRESENTATIONS MADE BY ESCROW HOLDER, ITS OFFICERS, PRINCIPALS OR EMPLOYEES REGARDING THE LEGAL OR TAX IMPLICATIONS OF THIS TRANSACTION. THE UNDERSIGNED FURTHER CONFIRM THAT THEY ARE RELYING SOLELY ON THEIR OWN INQUIRY AND INFORMATION IN ENTERING INTO THIS TRANSACTION AND CONFIRM THAT THEY HAVE BEEN ADVISED TO SEEK INDEPENDENT COUNSEL OF THEIR OWN FROM AN ATTORNEY, ACCOUNTANT OR OTHER TAX ADVISOR WITH RESPECT TO THE INCOME TAX AND LEGAL RAMIFICATIONS OF THIS TRANSACTION. THE UNDERSIGNED PARTIES JOINTLY AND SEVERALLY, HOLD ESCROW AGENT AND ITS EMPLOYEES HARMLESS AND AGREE TO INDEMNIFY THEM FROM ANY CLAIM, EXPENSE, TAX, ASSESSMENT OR LIABILITY OF ANY NATURE OR KIND OR FROM ANY CLAIM WHATSOEVER, EXPRESS OR IMPLIED, WHETHER IN CONTRACT OR TORT, WHICH MAY BE ASSERTED AGAINST ESCROW AGENT NOW OR IN THE FUTURE BY ANY PERSON, FIRM, CORPORATION, GOVERNMENT AGENCY OR TAXING AUTHORITY ARISING FROM THIS TRANSACTION, INCLUDING ANY CLAIMS ARISING FROM THIS TRANSACTION NOT BEING TREATED AS A SECTION 1031 EXCHANGE.

THE UNDERSIGNED STATE AND CONFIRM THAT THEY HAVE READ THE FOREGOING DISCLAIMER AND UNDERSTAND THAT ESCROW AGENT WOULD NOT PROCEED TO CLOSE THIS TRANSACTION BUT FOR THE REPRESENTATIONS AND AGREEMENTS SET FORTH IN THIS DISCLAIMER.

DATED: February 28, 1997

Pioneer 1031 Company by Robert E. Onnen, Vice-President

Alan K. Johnson

Read and Approved: Alan K. Johnson

Michael K. Berkson

Michael K. Berkson

Diane R. Berkson

Diane R. Berkson

Accepted and acknowledged:

PIONEER TITLE COMPANY OF ADA COUNTY

By _____

LYNN BASURA,
Escrow Officer



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

1031 EXCHANGE DISCLAIMER

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THE UNDERSIGNED STATE AND CONFIRM THAT THEY HAVE READ THE FOREGOING DISCLAIMER AND UNDERSTAND THAT ESCROW AGENT WOULD NOT PROCEED TO CLOSE THIS TRANSACTION BUT FOR THE REPRESENTATIONS AND AGREEMENTS SET FORTH IN THIS DISCLAIMER.

DATED: February 28, 1997

Pioneer 1031 Company by Robert E. Onnen, Vice-President

Alan K. Johnson

Read and Approved: Alan K. Johnson

Michael K. Berkson

Michael K. Berkson

Diane R. Berkson

Diane R. Berkson

Accepted and acknowledged:
PIONEER TITLE COMPANY OF ADA COUNTY

By _____
LYNN BASURA,
Escrow Officer

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

In Re SRBA

Case No. 39576

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

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

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

Name: See Attachment B
Address:

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

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

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

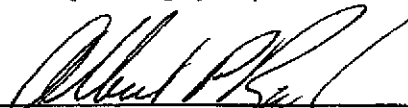
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

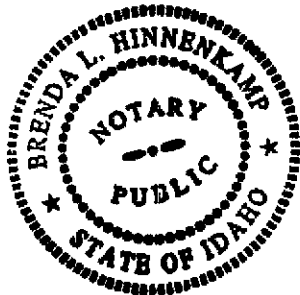
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

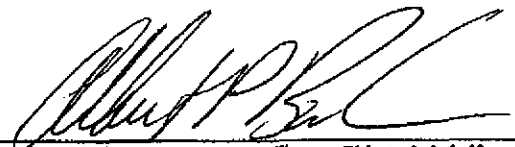
Name: See Attachment B
Address:

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

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

ATTACHMENT B

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

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

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

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

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

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

63-4810

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

63-31289

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

63-7984A

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

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

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

63-7037

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

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

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

63-5101

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

63-31328

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

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

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

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

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

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

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

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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 Bhum
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

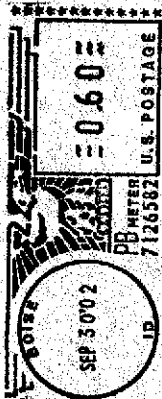
63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

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

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098



RECEIVED
UNDELIVERABLE AS
ADDRESSED
NO FORWARDING
ORDER ON FILE

UNDELIVERABLE - PLEASE DELETE
Commercial mail receiving Agency
No Authorization to receive
Mail for this Addressee

63-3447C

RECEIVED

OCT 16 2002

WATER RESOURCES
WESTERN REGION

UNDELIVERABLE AS
ADDRESSED
NO FORWARDING
ORDER ON FILE

ALAN K. JAMISON
392 S. HARRISON RD #840
BOISE, ID 83720

Boise, 83702
863-9029

No address listed

RECEIVED

OCT 11 2002

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

RE: Water Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 63 for the Boise River drainage basin above Lucky Peak dam. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have until January 31, 2003, in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Boise, Fairfield, Idaho City, and Mountain Home, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed early next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', is written over a horizontal line.

Karl J. Dreher
Director

Enclosures

09/24/2002

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

RIGHT NUMBER: 63-3447C
NAME AND ADDRESS: ALAN K JOHNSON
3929 OVERLAND RD #840
BOISE ID 83715

SOURCE: ASHTON GULCH TRIBUTARY: ROBIE CREEK

QUANTITY: 0.080 CFS
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.: 63-3447B & 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF
DIVERSION: T04N R04E S30 SWNW Lot 2 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	0.080 CFS 30.00 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 Lot 2 SWNW	7.0	T04N R04E S30	SENW	5.0
--------------------------	-----	---------------	------	-----

12 ACRES TOTAL

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

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.: 63-3447B & 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: BASIS OF CLAIM - License

02/26/2002

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

RIGHT NUMBER: 63-3447C

NAME AND ADDRESS: ALAN K JOHNSON
3929 OVERLAND RD #840
BOISE ID 83715

SOURCE: ASHTON GULCH

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.08 CFS

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.: 63-3447B & 63-3447D

PRIORITY DATE: 04/26/1965

POINT OF DIVERSION:

T04N R04E S30 SWNW Lot 2 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	0.080 CFS 30.00 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 Lot 2 SWNW	7.0	T04N R04E S30	SENE	5.0
--------------------------	-----	---------------	------	-----

12 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.: 63-3447B & 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

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

CLAIM NO(s). A63-3447C

1. ☐ No Change NAME IS SAME
☐ NEW OWNER: This claim may have been split but
☐ No Change ADDRESS
☐ NEW ADDRESS: no ownership changes have been filed.
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.)

As licensed and

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 SW 1/4 NW (L2) = 7 ac.
 Use: _____ Township _____ Range _____ Section _____ 1/4 SE 1/4 NW = 5 ac
 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

*POU and POD recommended is based on a meeting
 6-25-2001 with Jim Stephens
 who claims to own the land originally
 claimed but has sold a parcel to a Berkson.*

C18, QNT, POU, should be 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 Eschelman

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

A03-3447C

BRUCE LE FAVOUR
Tx 107
82.94 ac

Tx 39 - 7

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
S 12° 29' E 96.43'

N 72° 32' 45" W
323.19'

S 89° 12' 30" W 2,049'

2,834.47'

1,320'

1,320'

Tx 47

N 1/2, N 1/2, N 1/2 NE SW W Ham B 20 S ac

Tx 42 J McCAW

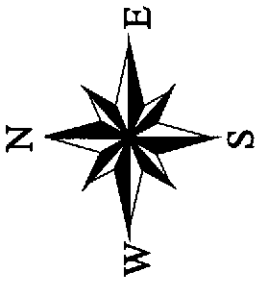
Tx 38
E. Phi
c/o Id
14

OCT 07 1996



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): 63-3447C

OWNER(S): JOHNSON, ALAN

DATE: NOVEMBER 20, 2001

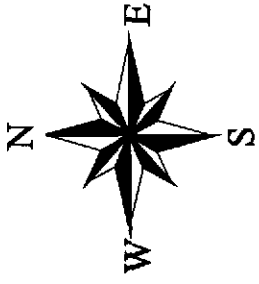
by: Mel Schulte



0 0.25 0.5 0.75 Miles

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): 63-3447C

OWNER(S): JOHNSON, ALAN

DATE: NOVEMBER 20, 2001

by: Mel Schulte



0.75 Miles

0.5

0.25

0



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 63-3447C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALAN K JOHNSON 3929 OVERLAND RD #840 BOISE, ID 83715 (208)385-9029
Original Owner	CAROLE SORENSEN
Original Owner	E H AFTON 4518 TOBIAS AVENUE SHERMAN OAKS, CA 91403 (818)907-5882
Original Owner	CAROLE EVERS
Original Owner	RICHARD E EVERS IDAHO CITY STAGE BOISE, ID 83706
Original Owner	CAROLE SORENSEN
	PO BOX 146 STANLEY, ID 83278 (208)838-2353

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

<u>Source</u>	<u>Tributary to</u>
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	0.08 CFS	30 AFA	
Total Diversion	0.08 CFS				

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 12

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		SWNW	12									

Total Acres: 12

Conditions of Approval:

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

06/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 63-3447C

Owner Type
Current Owner
Current Owner
Name and Address
CAROLE EVERS
RICHARD E EVERS
IDAHO CITY STAGE
BOISE, ID 83706

Original Owner E H AFTON

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

Source ASHTON GULCH CREEK
Tributary to ROBIE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/15	0.08 CFS	42 AFA	
Total Diversion			0.08 CFS	42 AFA	

Location of Point(s) of Diversion:

ASHTON GULCH CREEK SWNW Lt 2 Sec. 30 Township 04N Range 04E BOISE County

IRRIGATION Use:
Acre Limit: 12

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	2	SWNW	12									

Total Acres: 12

Conditions of Approval:

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

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

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:

SD-0607-2 Prefix: A Basin: 63 Starting Water Right: 03447

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A63-03447A	JOHNSON, ALAN K	C	04/26/1965	/Z	ASHTON GULCH SPLIT RIGHT	01 IRR
A63-03447B	ESHELMAN, BIFF	C	04/26/1965	L/	ASHTON GULCH	01 IRR
A63-03447C	JOHNSON, ALAN K	C	04/26/1965	L/	ASHTON GULCH	01 IRR
A63-03447D	STEPHENS, JAMES	C	04/26/1965	L/	ASHTON GULCH	01 IRR
A63-03448	UNITED WATER IDAHO,	C	04/27/1965	L/	GROUNDWATER	40 MUNI
A63-03449	SCHRITE, MANETTA G	C	05/21/1965	L/	SPRING	43 DOMEST
A63-03457	WARM SPRINGS MESA INC,	C	07/14/1965	L/	GROUNDWATER	01 IRR
						43 DOMEST
						49 FIRE
A63-03460	SYRINGA MOBILE PARK SU	C	07/29/1965	L/	GROUNDWATER	43 DOMEST
A63-03461	LAKERIDGE WATER ASSN,	C	08/03/1965	L/	GROUNDWATER	01 IRR
						43 DOMEST
A63-03467	AUCH, GREG	C	09/23/1965	L/	QUARTZ GULCH	01 IRR
	AUCH, PATRICIA	C				
A63-03469	THORNTON, LAVAR K	C	09/24/1965	L/	GROUNDWATER	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0607-2 Basin: 63 Starting Water Right: 03447

STATE

S	Water	Name	O	Priority	STG/		Use
E	Right No.	Last, First	W	Date	STS	Source	Code Desc
L			N				
-	63-03447			00/00/0000	/Z		
-	63-03447A			00/00/0000	/Z		
-	63-03447B	ALBISTON, ELVIN J.	C	04/26/1965	L/	ASHTON GULCH	01 IRR
-	63-03447C	EVERS, RICHARD E	C	04/26/1965	L/	ASHTON GULCH	01 IRR
-		EVERS, CAROLE	C				
-	63-03447D	STEPHENS, JAMES	C	04/26/1965	L/	ASHTON GULCH	01 IRR
-		STEPHENS, JUAN	C				
-	63-03448	UNITED WATER IDAHO,	C	04/27/1965	L/	GROUNDWATER	40 MUNI
-	63-03449	ROWELL, LEWIS D.	C	05/21/1965	L/	SPRING	43 DOMEST
-	63-03450	FARNER, JOHN R.	C	00/00/0000	/L		
-		FARNER, EVELYN G.	C				
-	63-03451	HOGAN, HAROLD E.	C	00/00/0000	/L		
-	63-03452	SCHRUPP, ELIZABETH M	C	07/08/1965	L/	GROUNDWATER	43 DOMEST
-	63-03453	TWIN BLOCK RANCH,	C	00/00/0000	/L		
-	63-03454	PHILLIPS, HENRY W.	C	06/23/1965	L/	UNNAMED STREAM	01 IRR
-	63-03455	BARNES, JOE	C	00/00/0000	/L		

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)