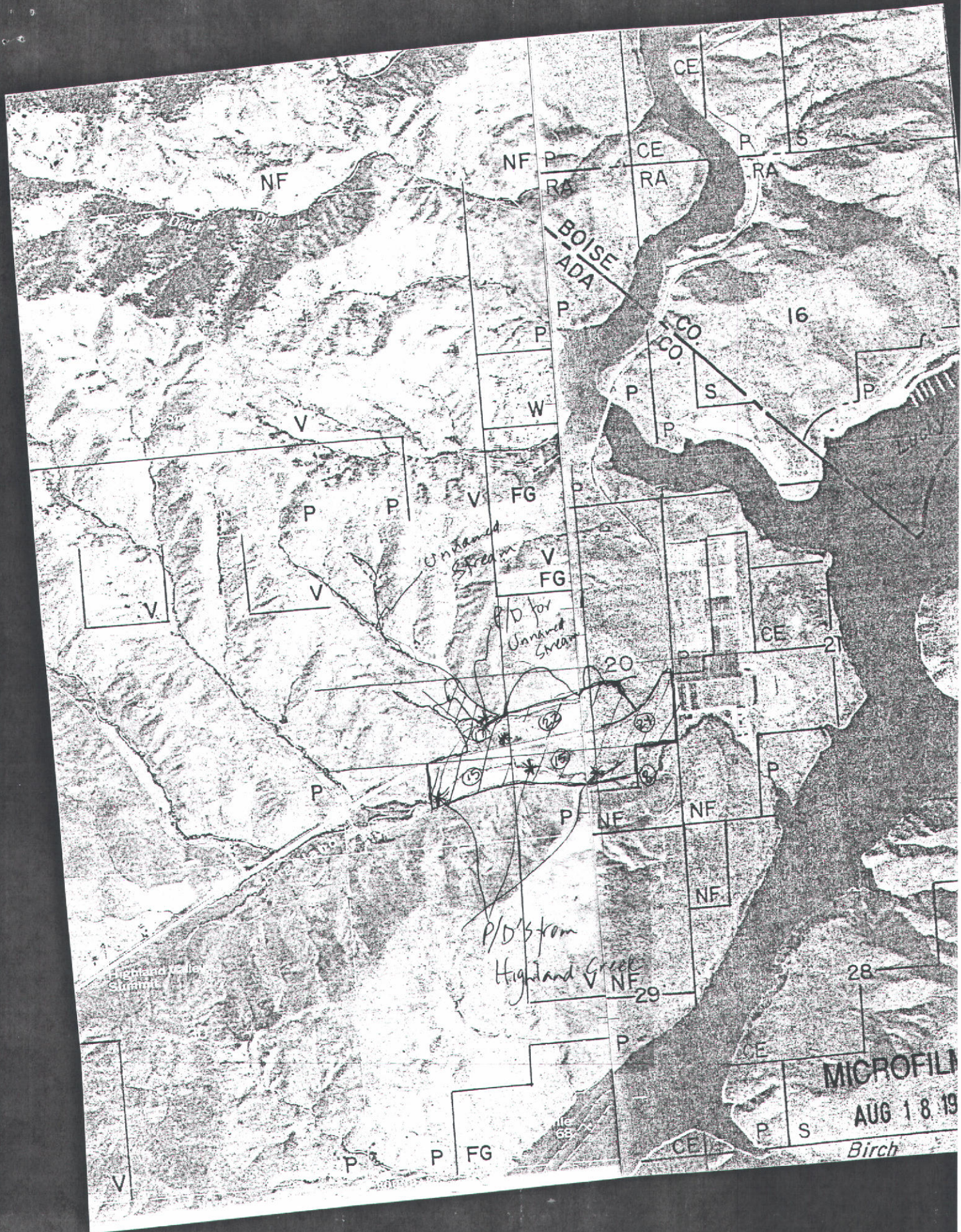




MICROFILM

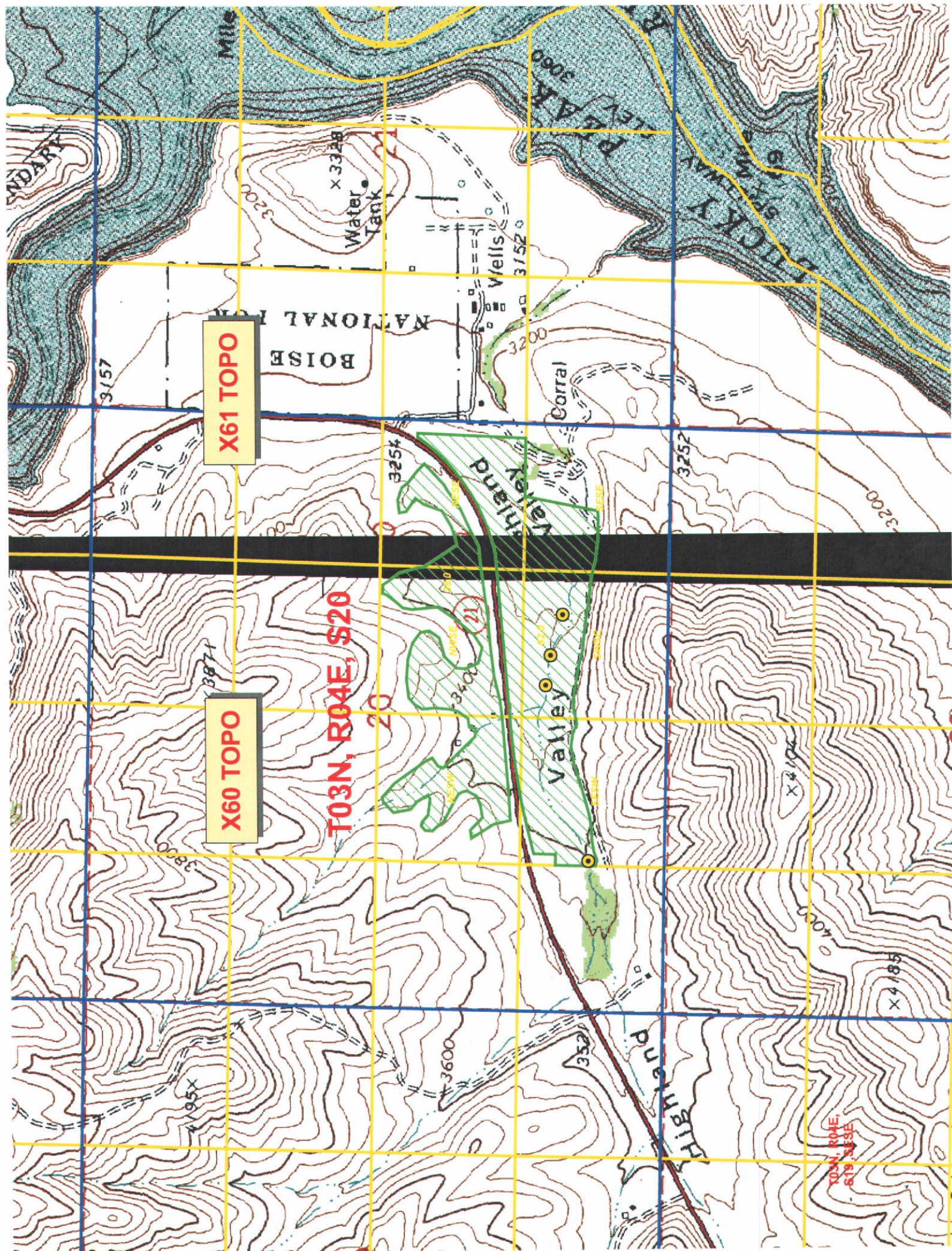
AUG 18 19

Birch

X60 TOPO

T03N, R04E, S20

X61 TOPO



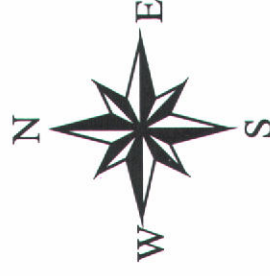
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-378

Date Prepared: 01-24-02

Prepared By: Ron Howerton

T03N, R04E
S20



○ Point of Diversion

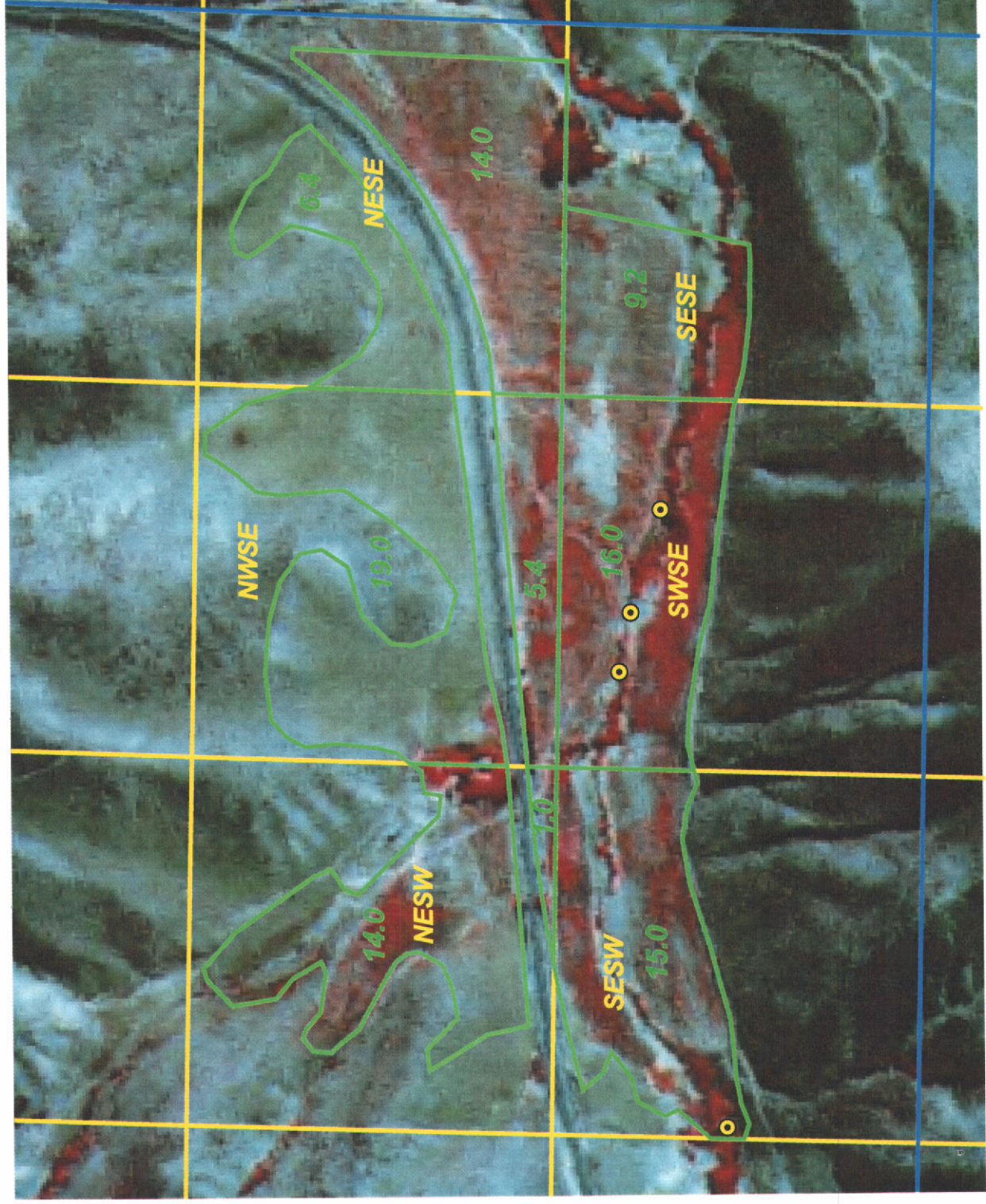
Place of use

Section

Quarter/Quarter

100 acres

1987 NAPP



0 1 2 3 4 5 6 Miles

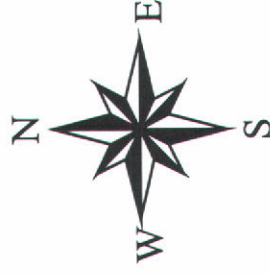
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-378

Date Prepared: 01-24-02

Prepared By: Ron Howerton

T03N, R04E
S20



○ Point of Diversion

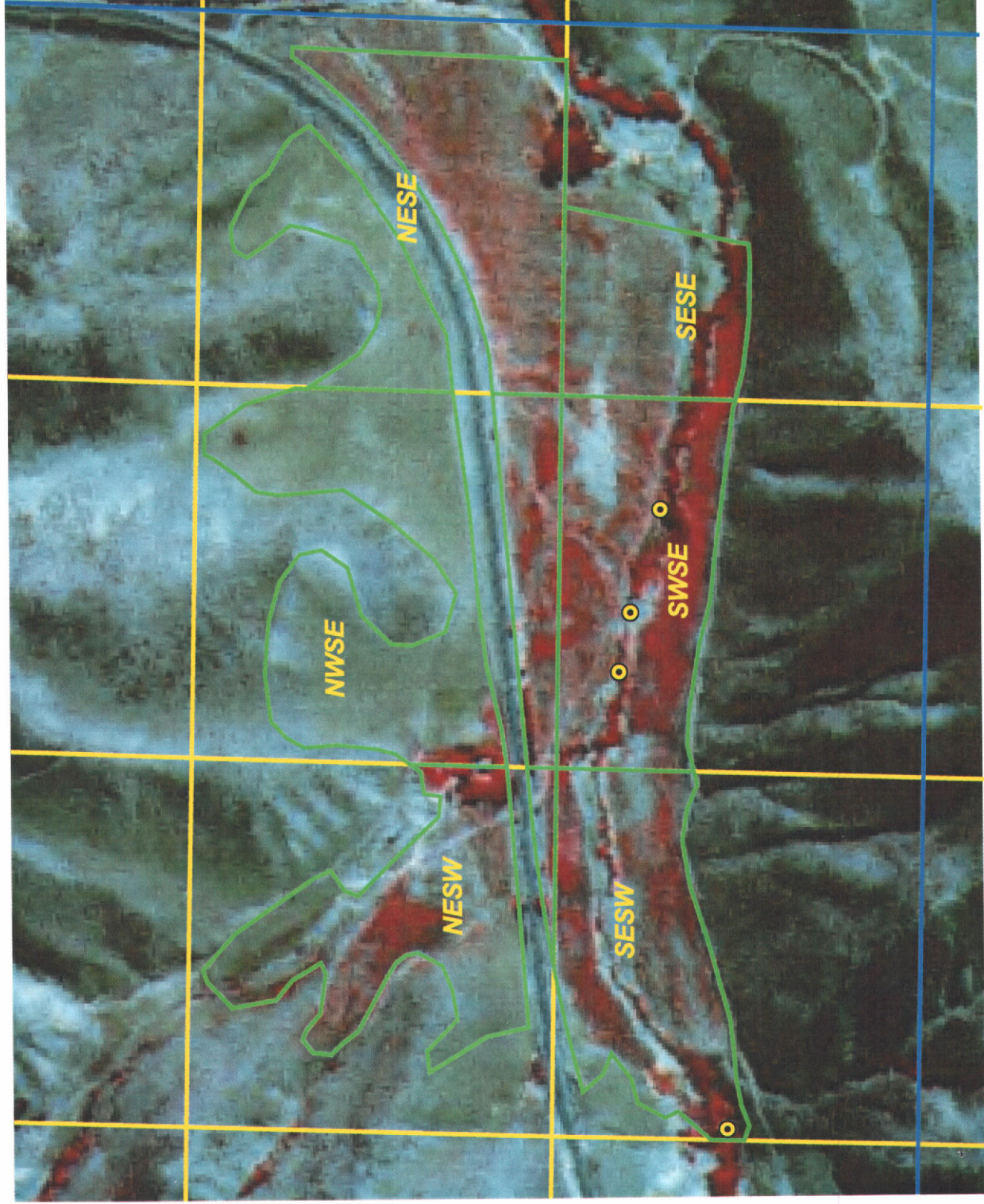
Place of use

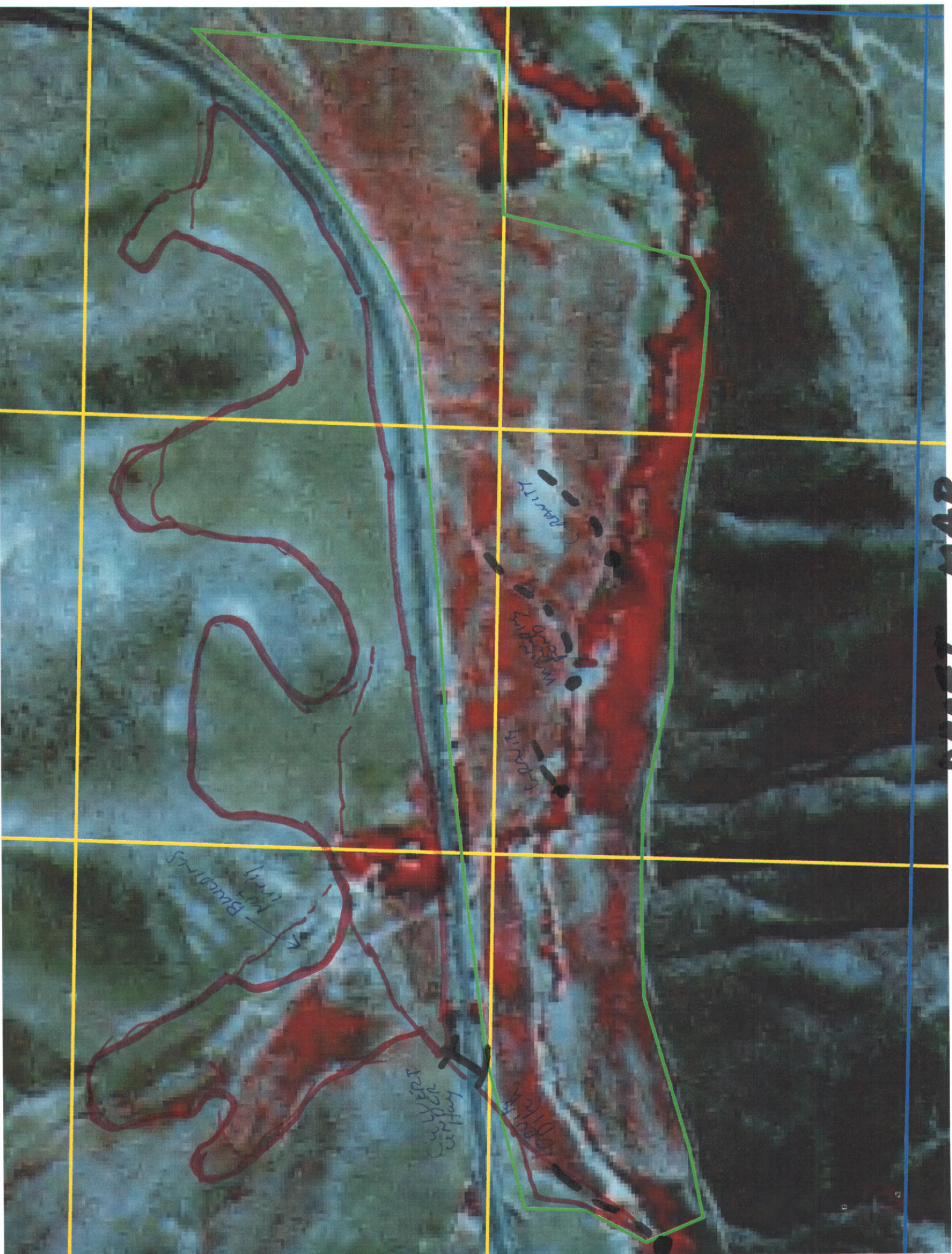
Section

Quarter/Quarter



1987 NAPP





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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-378
Date Received: 8/1/1989
Receipt No: W003927
Received By:

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

1. Name of Claimant(s)

DIRK L MARCUM Phone: (208) 866-0286
14364 E HWY 21
BOISE ID USA 83716

2. Date of Priority: 06/01/1881

3. Source: HIGHLAND CREEK , UNNAMED STREAM Trib. to: BOISE RIVER , HIGHLAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
03N	04E	20	SE	SE	ADA	
03N	04E	20	SW	SE	ADA	
03N	04E	20	NE	SW	ADA	
03N	04E	20	SE	SW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.9	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
03N	04E	20	NE	SW	IRRIGATION	17

SE	SW	IRRIGATION	15
NE	SE	IRRIGATION	24
NW	SE	IRRIGATION	22
SW	SE	IRRIGATION	15
SW	SW	IRRIGATION	8

Section Acres 101

Total Acres 101

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED BY RDH 1/25/02.

SOURCES FOR THIS RIGHT ARE HIGHLAND CREEK AND UNNAMED STREAM TRIBUTARY TO HIGHLAND CREEK.

15. Basis of Claim: Decreed

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

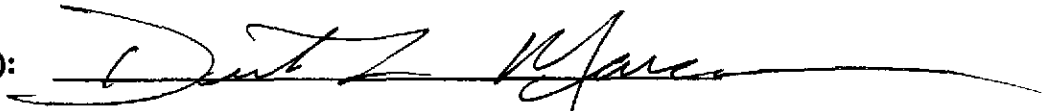
Claim Number(s): 63-378

Previous Mailing Address: HC 33 Box 1080
BOISE ID 83706

New Mailing Address: DIRK L MARCOM
14364 E Hwy 21
BOISE ID 83716

Telephone Number: () 866 0285

Signature of Claimant(s):



Please return this completed form to:

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

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

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

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

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: A63-00378
Date Received: 8/01/1989
Receipt No: W 003927
Received By: Ort

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIRK L. MARCUM 208-344-0056
Address: HC 33 BOX 1080
BOISE, ID 83706

2. Date of Priority: JUN 01, 1881

3. Source: HIGHLAND CREEK Trib. to: BOISE RIVER
UNNAMED STREAM HIGHLAND CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04E	20	NE	SW			ADA
			SE	SW			ADA
			SW	SE			ADA
			SE	SE			ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	20	NE	SW		IRR	17.0
			SW	SW		IRR	8.0
			SE	SW		IRR	15.0
			NE	SE		IRR	24.0
			NW	SE		IRR	22.0
			SW	SE		IRR	15.0
						Section Acres	101.0
						Total Acres	101.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

THIS CLAIM ACCOUNTS FOR 63-0017, 0018, 00377, 00378

14. Remarks:

SOURCES FOR THIS RIGHT ARE HIGHLAND CREEK AND UNNAMED STREAM
TRIBUTARY TO HIGHLAND CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WILLIAM BEDEL

Decree Plaintiff

ALFRED PERCY ET. AL

Decree Defendant

VS

MICROFILMED

AUG 18 1992

16. Signature(s)

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

Number of attachments: _____

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): Dirk J. Marcum Date: 8/1/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of Aug 19 89

D. P. Tuttle
Notary Public

Seal

Residing at Boise

My Commission Expires 9/15/1994



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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

2005 JAN 5 AM 9 25

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00378

NAME AND ADDRESS: DIRK L. MARCUM
14364 E HWY 21
BOISE, ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: BOISE RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T03N R04E S20 SESW Within Ada County
SWSE
SWSE
SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-01	2.00 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T03N R04E S20	
	NESW 15.0	SESW 15.0
	NESE 20.4	NWSE 24.4
	SWSE 16.0	SESE 9.2
	100.0 Acres Total	

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

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

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

JAN - 5 2005

[Signature]
SPECIAL MASTER

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

RIGHT NUMBER: 63-378

NAME AND ADDRESS: DIRK L MARCUM
14364 E HWY 21
BOISE ID 83716

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1881

POINT OF
DIVERSION: T03N R04E S20 SESW Within ADA County
T03N R04E S20 SWSE Within ADA County
T03N R04E S20 SWSE Within ADA County
T03N R04E S20 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 12/15

QUANTITY

2.000 CFS

PLACE OF USE: IRRIGATION Within ADA County

T03N R04E S20	NESW	15.0	T03N R04E S20	SESW	15.0
T03N R04E S20	NESE	20.4	T03N R04E S20	NWSE	24.4
T03N R04E S20	SWSE	16.0	T03N R04E S20	SESE	9.2

100 ACRES TOTAL

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

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

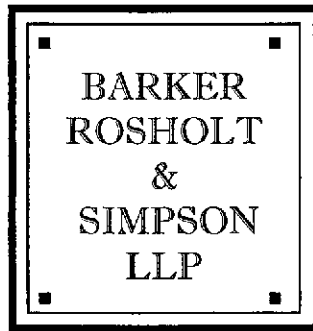
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SOURCE IS ALSO KNOWN AS HIGHLAND CREEK.

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

*Database corrected on 12/22/04
by J.H. [Signature]*

*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



Shelley M. Davis
smd@idahowaters.com

205 North 10th Street, Suite 520
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

113 Main Avenue West, Suite 303
Twin Falls, Idaho 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

December 8, 2004

RECEIVED

DEC - 9 2004

DEPARTMENT OF
WATER RESOURCES

VIA US MAIL
Susan Hamlin Nygard
Deputy Attorney General
Idaho Department of Water Resources
The Idaho Water Center
322 E. Front Street
Boise, ID 83702

Re: SRBA Season of Use Objections – Settlement in Subcase No. 63-0378

Dear Susan:

The parties in the above referenced season of use case were able to reach a settlement of the disputed issues. Enclosed is the original Standard Form 5 signed by the objectors and counsel for the claimant for your concurrence and to be forwarded to the SRBA court.

Thank you for your help. Please call me at the Boise number listed above if you have questions.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

Shelley M. Davis

Enc.
Cc: Deb Nelson
David Gehlert

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

In Re SRBA

Case No. 39576

A. Subcase 63-378
(Insert water right number)

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 concurrency by initialing each of the attached pages.

CLAIMANT(s):

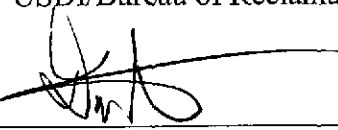
Dirk L. Marcum


Deborah E. Nelson
Attorney for Claimant

Date

OBJECTOR(s):

USDI/Bureau of Reclamation


David Gehlert
Trial Attorney, General Litigation Section
U.S. Dept. of Justice

Date

Boise Project Board of Control

Albert P. Barker
Shelley M. Davis

Jan Shurte 12-16-01
Jan Shurte Date Susan Hamlin Nygard Date
Adjudication Supervisor Deputy Attorney General

Page 2

CERTIFICATE OF MAILING

I certify that on _____, 2004, I mailed the original and copies of this form, including all attachments, 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. Copy to:

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

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

Deborah E. Nelson
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

Signature of person or attorney mailing the form

Deborah E. Nelson, Idaho State Bar No. 5711
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

Attorneys for Dirk Marcum

**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

Subcase No. 63-378

Case No. 35976

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that Deborah E. Nelson of the firm Givens Pursley LLP,
hereby enters her appearance as attorney of record on behalf of Dirk Marcum in the above
entitled matter.

Respectfully submitted and dated this 29th day of October 2004.

GIVENS PURSLEY LLP

By



Deborah E. Nelson

Attorneys for Dirk Marcum

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of October 2004, I served a true and correct copy of the foregoing by delivering the same to the following by the method indicated below, addressed as follows:

Original to:

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

☐ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Facsimile

Copies to:

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

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

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Boise Project Board of Control
Represented by:
Albert P. Barker
Amy D. Chestnut
205 N. 10th Street, Suite 520
P.O. Box 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

U.S. Bureau of Reclamation
Represented by:
David W. Gehlert
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
Denver, CO 80202

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

U.S. Bureau of Reclamation
Represented by:
E. Gail McGarry
1150 N. Curtis Road, Suite 100
Boise, ID 83706-1234

☒ U. S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile


Deborah E. Nelson

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA)

A. Subcase 63-378

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

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

Name & Address of Attorney, if any:

David W. Gehlert (303 312-7352)

Trial Attorney, General Litigation Section

Environment and Natural Resource Division

U.S. Department of Justice

999 18th Street, Suite N 945

Denver, CO 80202

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

Name: Dirk L Marcum

Address: 14364 E Highway 21
Boise, ID 83716

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

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

E. REASONS SUPPORTING EACH OBJECTION(S):

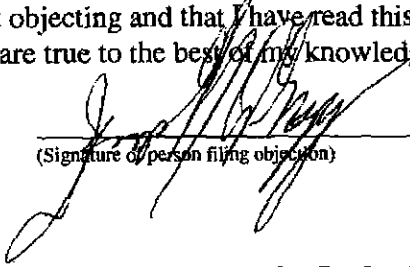
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

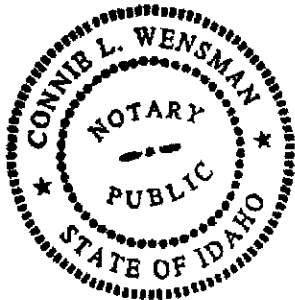
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003



Connie L. Wensman
Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Dirk L. Marcum

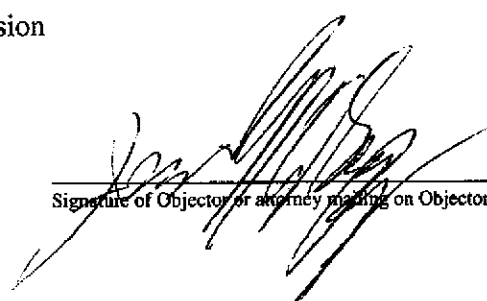
Address: 14364 E Highway 21
Boise, ID 83716

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

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

In Re SRBA)

Case No. 39576)

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

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

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

Name: See Attachment B
Address:

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

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

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

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

7. ☐ **Purpose(s) of Use**
Should be:

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

9. ☐ **Place of Use**
Should be:

11. **I object because:**

☐ This water right should not exist.

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

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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

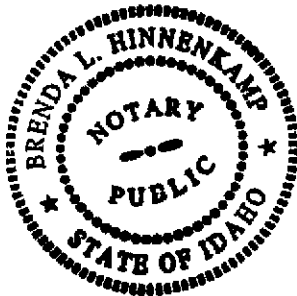
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

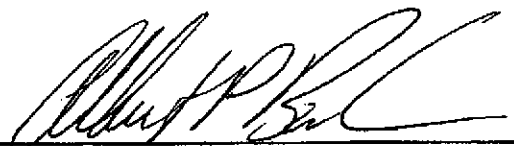
Name: See Attachment B
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment A

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

ATTACHMENT D

63-3540
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624
Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B
South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026
James E Bryant
1915 N 11th
Boise ID 83712

63-5102
Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C
Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810
Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A
Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279
Cumer L Green
PO Box 2597
Boise ID 83701

63-7119
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037
Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207
Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192
David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328
Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B
Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335
Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

63-31077
State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A
Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797
Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074
Barry Marcus
737 N 7th St
Boise ID 83702

63-19A
Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-5161B
Dwayne 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

IDAHO DEPARTMENT OF WATER RESOURCES 01/25/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: DIRK L MARCUM
14364 E HWY 21
BOISE ID 83716

SOURCE: UNNAMED STREAM

TRIBUTARY: BOISE RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION:

T03N R04E S20 SESW Within ADA County

T03N R04E S20 SWSE Within ADA County

T03N R04E S20 SWSE Within ADA County

T03N R04E S20 SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.000 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T03N R04E S20	NESW	15.0	T03N R04E S20	SESW	15.0
T03N R04E S20	NESE	20.4	T03N R04E S20	NWSE	24.4
T03N R04E S20	SWSE	16.0	T03N R04E S20	SESE	9.2

100 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS HIGHLAND CREEK.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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

CLAIM NO(s). 63-00378

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: SEE ENCLOSED ADDRESS CHANGE FORM
(CLAIM FILE SIDE)

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

3. ☐ No Change — SAME SOURCE

☒ Source is different than that claimed:

Source found: UNNAMED STREAM - AKA HIGHLAND CR

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's: SEE MAP PHOTO
AND NARRATIVE SHEET
DATED: JAN 24, 2002

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:

GRAVITY & SPRINKLER IRRIGATION WITH GRAVITY FLOW

Ditches and handlines - pump is used for sprinklers

SEE NARRATIVE FOR MORE INFO

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

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☒ No Change - TOTAL VOLUME

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

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

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

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4

*-SEE NARRATIVE
AND PROFILE
REPORTS
IN FILE -*

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

*SEE CLAIM VERIFICATION NARRATIVE SHEET AND
ENCLOSED MAPS.*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *11-5-2001*

FIELD EXAMINER: RON HOWERTON

Print Name

Ron Howerton

Signature

*COS
Q 18
\$01 EXP*

**Idaho Department of Water Resources
CLAIM VERIFICATION NARRATIVE SHEET**

Updated: January 24, 2002

Date of Exam: Drive by 11/5/2001 and in-office 1/24/2002

Field examiner:

**Ron Howerton
Senior Water Right Agent**

Water Right Nos.: 63-378

**Contacts: Dirk L. Marcum 866-0286
14364 E. HWY 21
Boise ID 83716**

Narrative:

Drive by FX on 11/5/2001 showed evidence of irrigation on both sides of highway 21. Ditches could be seen from the highway, I have driven past here many times and have also observed sprinkler irrigation from hand lines.

A draft map was prepared and I contacted Dirk by phone and made an appointment for an in office review of his water right. He came in 1/24/2002.

Met with Dirk in office 1/24/02: He filed an address change and we looked at the 1987 NAPP photo and verified the points of diversion from the source by locating the ditch features from the source. (These points will not need to be verified in the field as they can be seen on the NAPP.)

DIVERTING WORKS & POD: He uses gravity flows and hand lines for sprinkler irrigation and a culvert goes under Hwy 21 to the place of use on the North side of Hwy. Small diversion dams pond up water and can be pumped from these locations where also gravity flow ditches can be seen on 1987 NAPP photo for this area. No accomplished transfer condition is necessary, because the decree was ambiguous, by not listing any points of diversion and my recommendation is based upon the 1987 NAPP photo.

SOURCE: The decree lists the source as Highland Creek however, this is a local name and the real source is an "unnamed stream". IDWR Maps X60 and X61 quad maps were included in this file to confirm that the source was an unnamed stream. The 2nd source claimed, "unnamed stream" is tributary to the local named source "Highland Creek" and is not a part of the decree. (I explained to Dirk that since

source flows into Highland Creek and then diverted from Highland Creek it becomes Highland Creek water.)

SEASON OF USE: The decree was ambiguous by not listing the season of use, I'm recommending the standard season for this area and it matches the claimed season of use.

PLACE OF USE: I used Tax lot information in Arc View and my draft map was further plotted in office with the Arc View 1987 NAPP photo using the features on the NAPP the plot the irrigated areas and confirming the location with Dirk. See the draft map in file, the draft map then was used to make the final recommendation.

The decree may have been in error by not listing the SESE tract, because it is at the end of the continuous field. Also, I caught a typo error on Dirks claim for the same SESE tract, that tract was shown on his claim file map but data entered as the SWSW. My recommendation will include the SESE based upon the 1987 NAPP photo, his claim file map and his tax lot ownership information and our conversation today.

I will list this as an accomplished transfer for the SESE place of use, the evidence of change is shown on the 1987 NAPP photo. I see no injury here.

THE DECREE: Did not specify the duty of water, however, I found the area to total 100 acres from the 1987 NAPP photo and the decree right is for 2.0 CFS, thus is at an inch per acre.

OVERLAP REVIEW: of the aforementioned decreed rights showed that 63-18 was a total overlap, but decreed less water and would not have satisfied the duty of water alone. Thus, he claimed 63-378. Also, 63-17 and 63-377 do not have any decreed irrigation tracts that overlap 63-378.

The claimant claimed right 63-378 to account for unclaimed rights 63-17, 63-18 and 63-377 as noted on his SNAKE RIVER BASIN ADJUDICATION claim 63-378. But neither 63-17 nor 63-377 overlap claimed 63-378. All these rights are ambiguous including statutory claim 63-4650 that did not have a duty of water specified, with no acres listed.

Statutory claim 63-4650 has same place of use as claimed in right 63-378. It was not claimed in the SNAKE RIVER BASIN ADJUDICATION nor is it necessary to claim, because 63-378 satisfies the duty of water.

See profile report of decree and original decree copies and profile of statutory claim in file.

DIVERSION
VOLUME

ed by

Stage: DECREED

SESE ADA County

SE

E	NWSE	SWSE	SE
C	Lt	Lt	Lt
	Ac	Ac	Ac

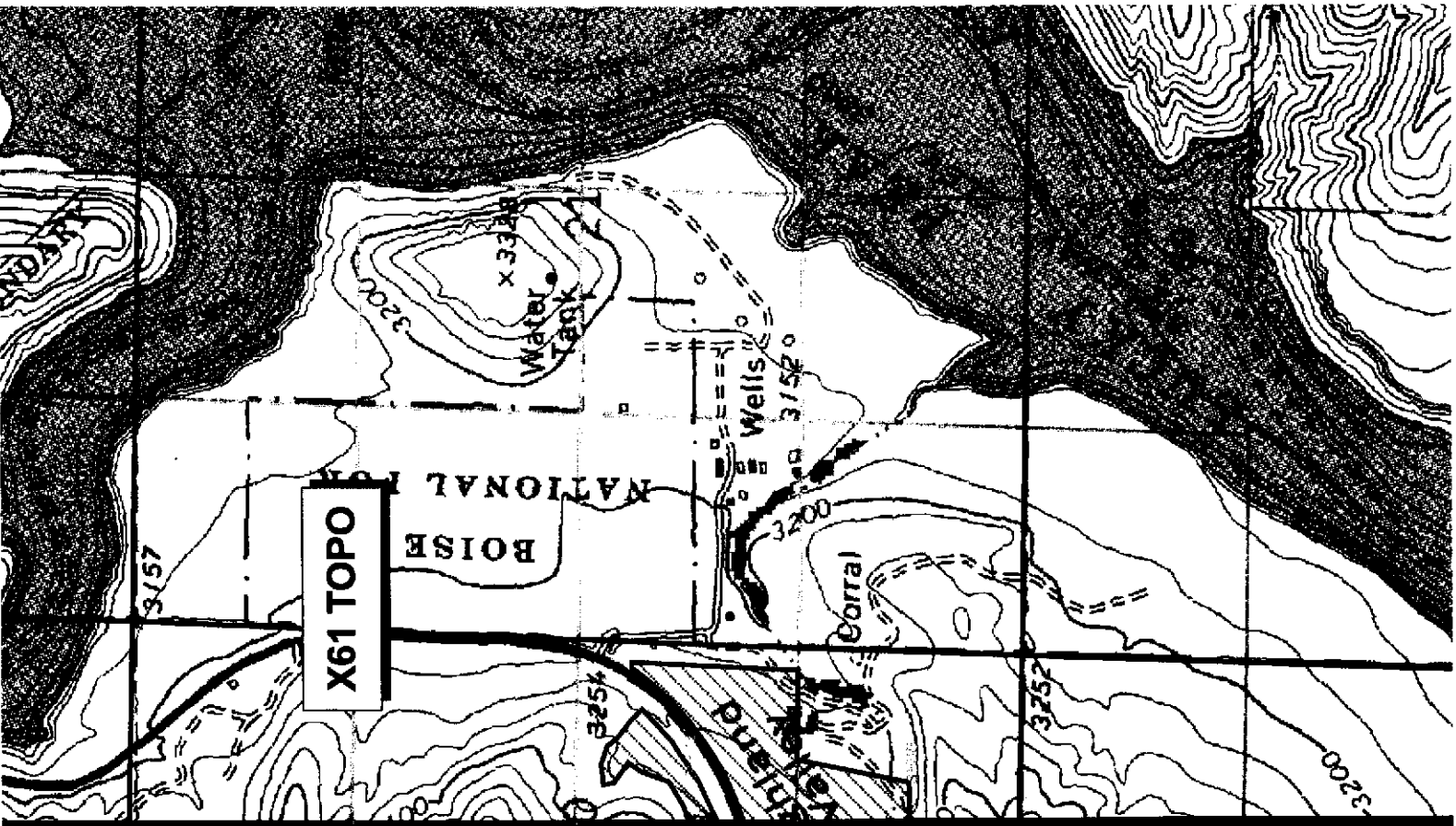
55 22 4

Other Water Rights Listing Overlapping Place(s) of Use:
A63-00018 A63-00019 A63-00019A A63-00019B

Objection Filed Date:

Field Inspection Flag:

08/01/89 TUTHILL



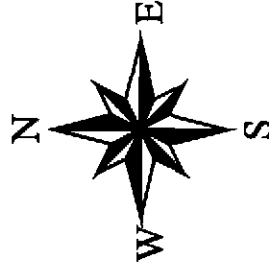
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-378

Date Prepared: 01-24-02

Prepared By: Ron Howerton

T03N, R04E
S20



● Point of Diversion

Place of use



Section

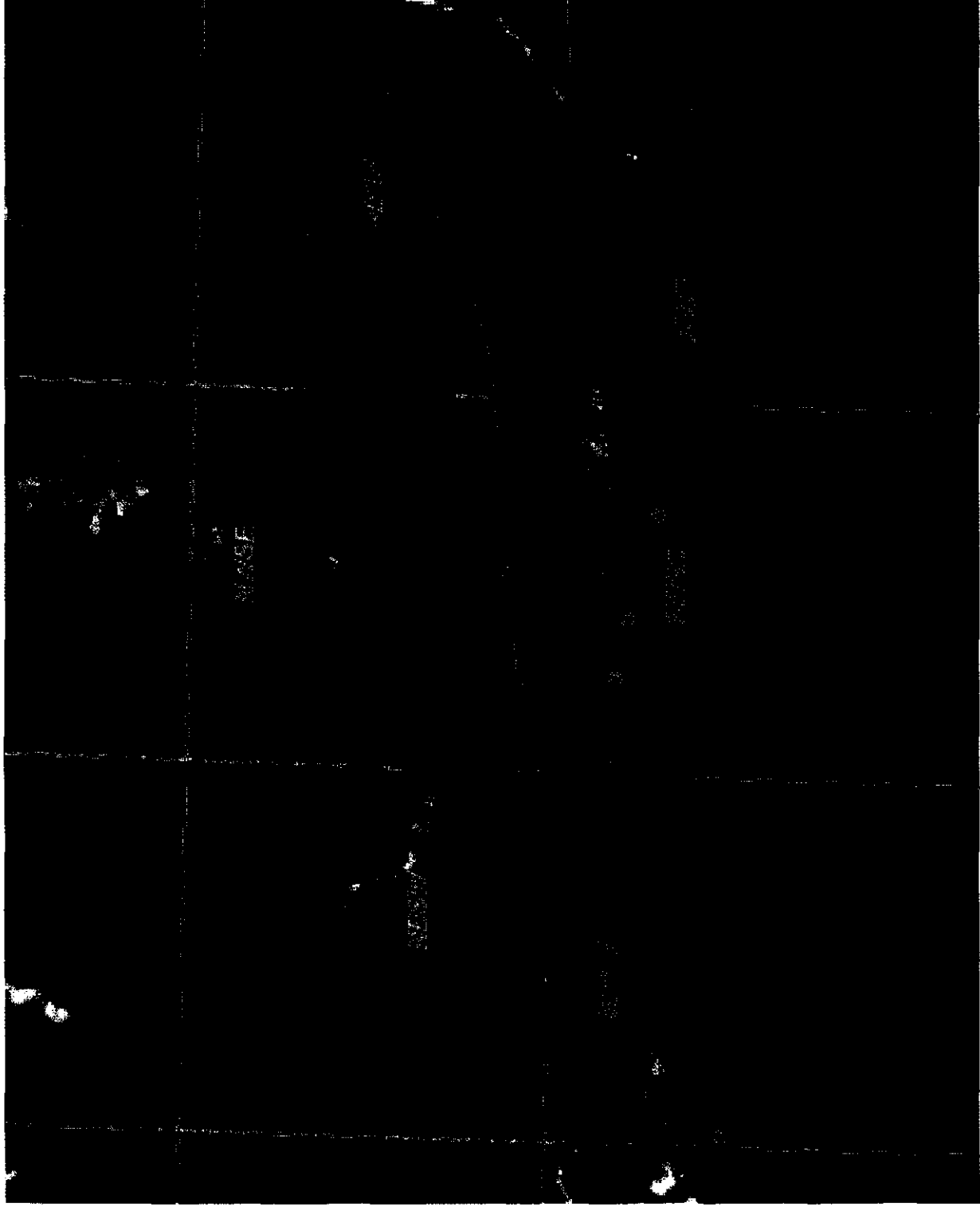


Quarter/Quarter



100 acres

1987 NAPP



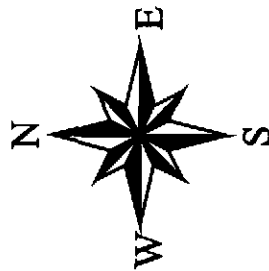
IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-378

Date Prepared: 01-24-02

Prepared By: Ron Howerton

T03N, R04E
S20



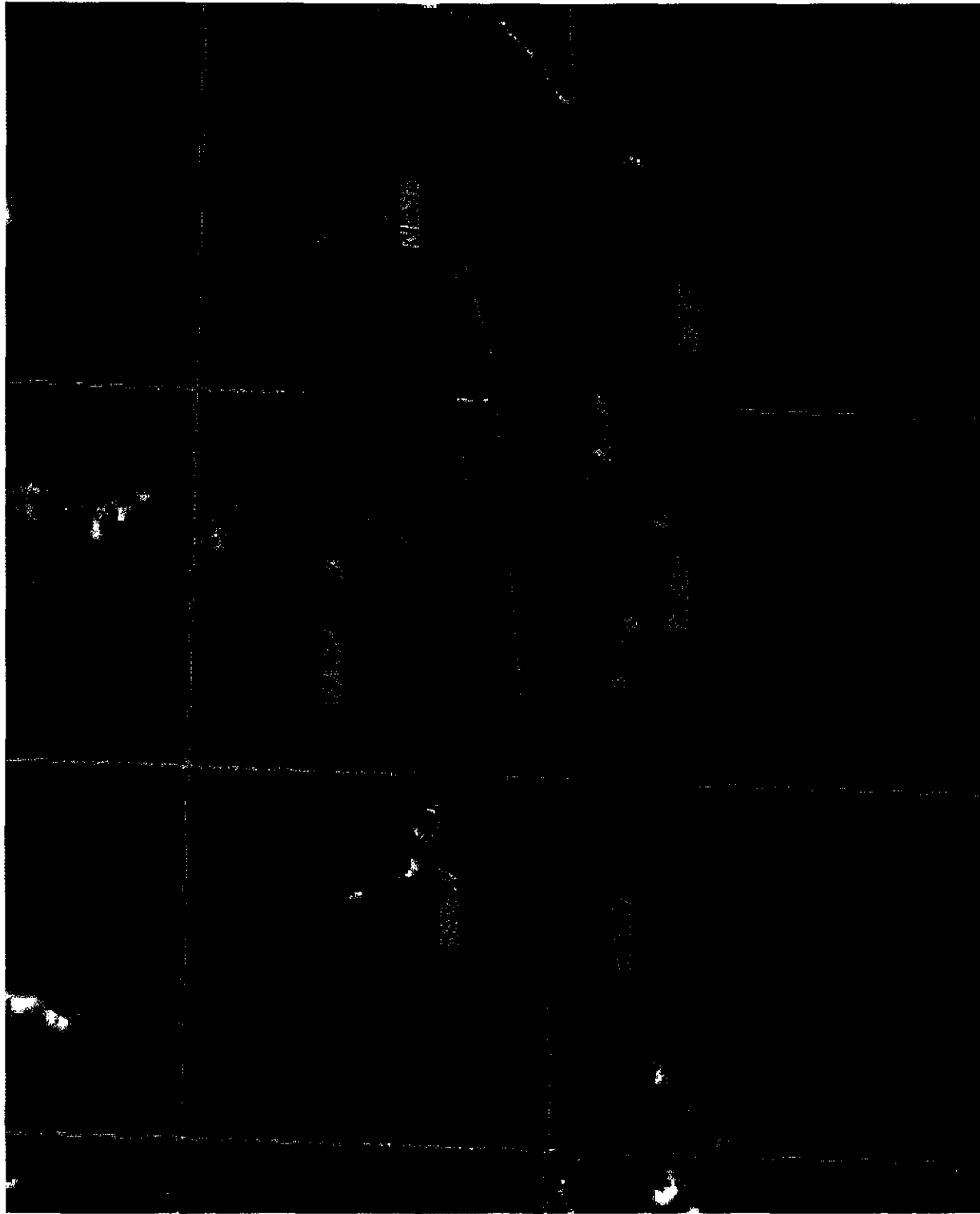
● Point of Diversion

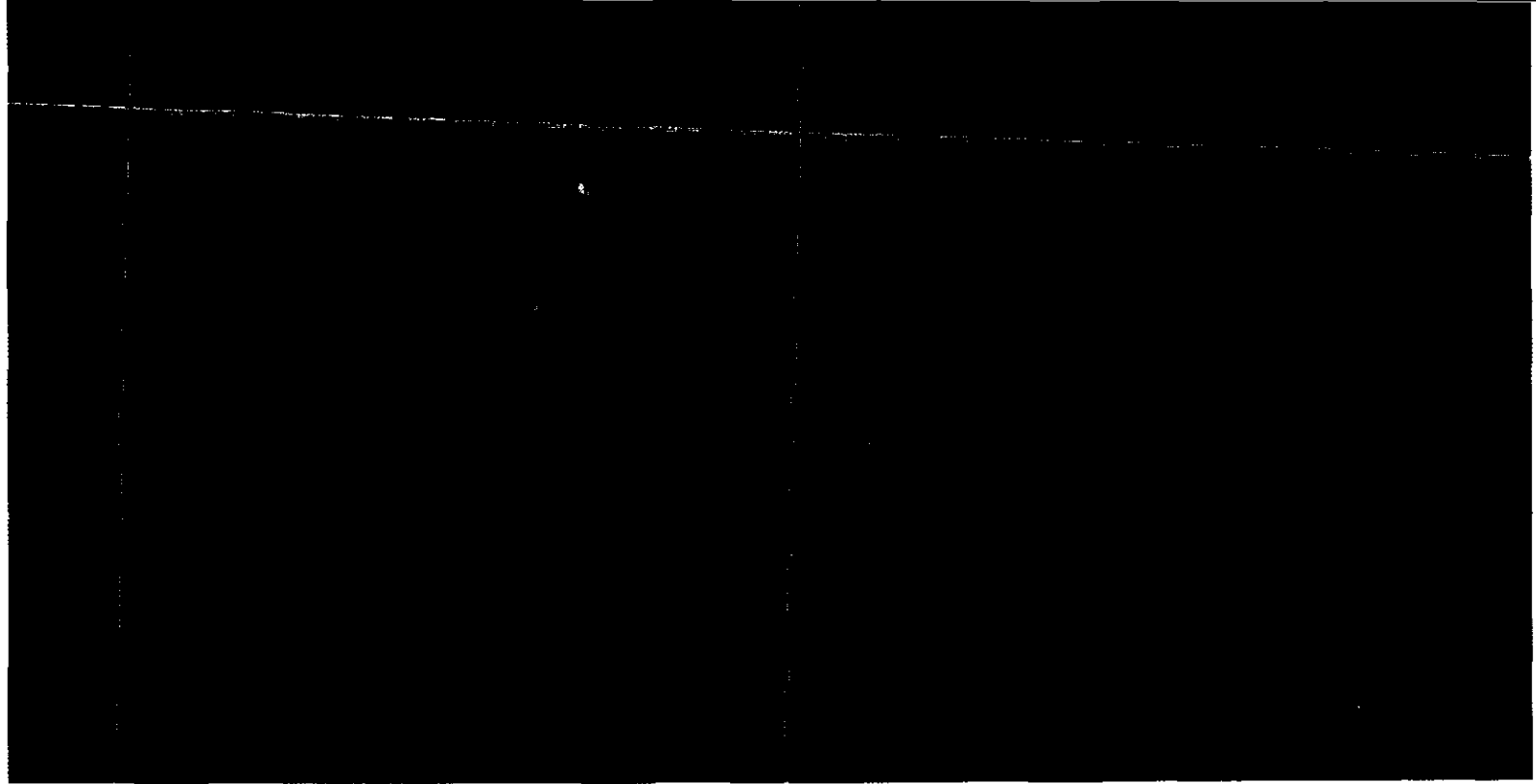
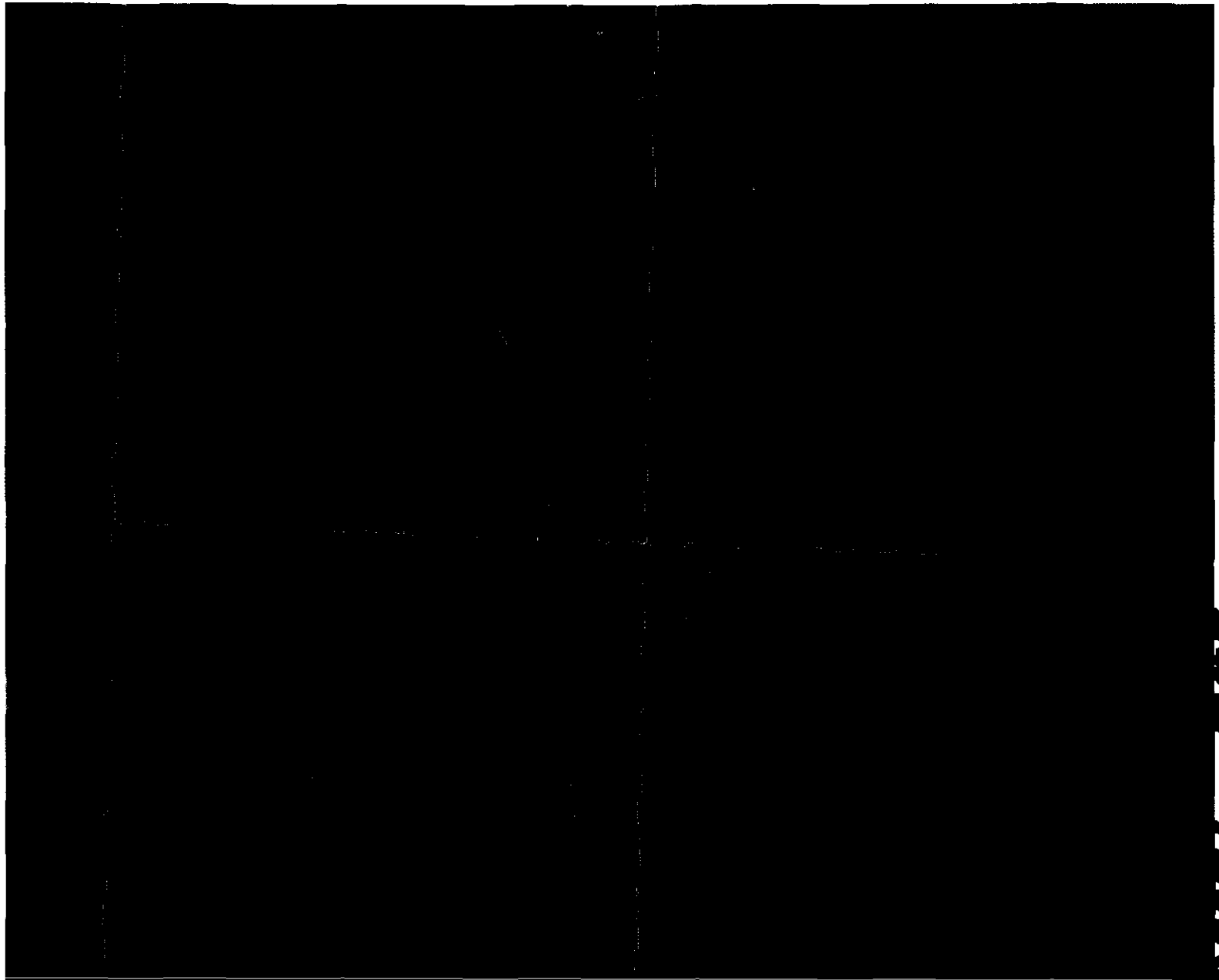
□ Place of use

□ Section

□ Quarter/Quarter

1987 NAPP





SENIOR AGENT: Ron Howerton

FIELD EXAM
TELEPHONE CONVERSATION MEMORANDUM

DATE OF CONVERSATION: 1-3-01

DATE SET FOR EXAM: _____

NAME OF CONTACT: Dirk Marcum

ADDRESS CHANGE: YES

PHONE NUMBER: () 344-0056 & OR 866-0286

LOCATION/DIRECTIONS: PAST HILLTOP ON Hwy 21

TYPE OF SYSTEM: GRAVITY & SPRINKLER (pumped)
Irrigation

OTHER NOTES: SET-UP - IN OFFICE APPOINTMENT
PET TELEPHONE FOR JAN. 16, 2002.

DATE: 01/03/02
PAGE: 1

C WILLIAM BEDEL

06/01/1881 IRRIGATION

RATE

2.000 CFS

TOTAL DIVERSION: 2.000 CFS

Water Source: HIGHLAND CREEK

ES

[illegible]

Remarks: GEN FOR USE ON SAT; SUN; & MON. OF EACH WEEK.

Dates: App. Received: 06/01/1881

App. Received:
Proof Due Date:
Exam Made Date:

Misc: **Water District Number:** 63 **Field Exam Fee:**

Audit: 02/11/86 05/01/88 CONVERT

DATE: 01/03/02
PAGE: 3

DIVERSION
VOLUME

Stage: DECREED

35

SE	---	SUM	---
AC	---		---

Audit: 02/11/86 05/01/88 CONVERT

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT**

DATE: 01/24/02
PAGE: 1

NAME & ADDRESS

WATER USE

**USE PERIOD
FROM TO**

DIVERSION VOLUME

04/01/1961 IRRIGATION

2.900 CFS

2.900 CFS

TOTAL DIVERSION: 2.900 CFS

Tributary to: BOISE RIVER

Stage: STATUTORY CLAIM

T03N R04E S20

MS3S

ADA County

NE

FM

三

35

	NENE	MUNE	SUNE	SENE	NENW	MUNW	SUNW	SENW	NESW	MUSW	SUSW	SESU	NESE	MUSE	SUSE	
T R S :	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03N 04F 2D :	:	:	:	I	:	:	:	:	I	:	I	:	I	I	I	

Pou County: ADA

Remarks: GEN AC. IRR. UNKNOWN.

Dates:	App. Received:	Priority Date:	04/01/1961
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	

Misc:
Water District Number:
Field Exam Fee:

Audit:	01/17/86	05/01/88	CONVERT	08/11/89	CURTIS
--------	----------	----------	---------	----------	--------

①.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY.

WILLIAM BEDEL, Substituted for)
W. L BASIL,)
Plaintiff)
v.)
Alfred Percy, Edward Percy,)
Alois Jauernig, William Simmons,)
George A. Percy, Charles Matli,)
John Matli, and Frank Matli,)
Defendants.

No. 2223
Entered and Filed
A.M. _____ P.M. 4.
Aug 2nd, 1913
Stephen Utter,
Clerk
By Thos. E. Powell,
Deputy Clerk

D E C R E E

This cause came on for final hearing before the court on the 2nd day of August 1913, on motion of plaintiff for confirmation of the referee's report and judgment in accordance therewith; and it appearing to the court that Karl Paine had heretofore been appointed referee in this cause with instructions to report findings of fact and conclusions of law together with a judgement;

And it further appearing that said referee has tried said cause and has reported his decision in writing including conclusions of law and recommendations for judgment and it appearing therefrom to the satisfaction of the court that the plaintiff herein and cross complainants mentioned in said report are entitled to judgment and decree in accordance with said recommendations and decision NOW THEREFORE It is hereby ordered and adjudged that said report be and the same is hereby confirmed and it is further ordered adjudged and decreed and this does ORDER, ADJUDGE AND DECREE That the plaintiff William Bedel, substituted as party plaintiff for W. L. Basil, be, and he is hereby awarded the use of One hundred and forty five (145) inches of the waters of Highland Creek, measured under four inch pressure, continuous flow, during Saturday, Sunday and Monday of Each week, for use upon the following described land, to wit: The West $\frac{1}{2}$ of the North West $\frac{1}{4}$ and the North $\frac{1}{2}$

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

RETURN SERVICE REQUESTED

63-378

Boise City Assessor ->
3100 Kosteran
Boise 83705



NO SUCH
ADDRESS

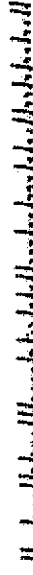
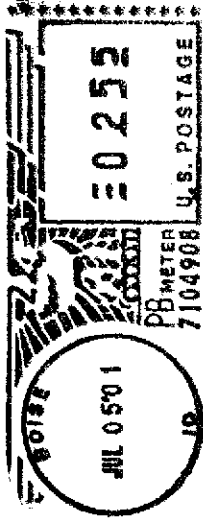
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JUL 09 2001

WATER RESOURCES
WESTERN REGION

DIRK L MARCUM
HWY 21
BOISE ID 83706

63-378



63-378-5082

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

RETURN SERVICE REQUESTED

DIRK L MARCUM
HC 33 BOX 1080
BOISE, ID 83706

603-378

Hwy 21
Boise 83706

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JUL 03 2001

WATER RESOURCES
WESTERN REGION



344-00540



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2266

June 16, 1987

Larry and Jim Smith
c/o Idaho City Stage
Boise, ID 83706

Dirk Marcum
c/o Idaho City Stage
Boise, ID 83706

Re: Flows from Highland Creek

Gentlemen:

The purpose of this letter is to follow up on the flow measurement work conducted by the Department two weeks ago on the Smith ditch from Highland Creek with point of diversion located within the SW1/4 SE1/4 SE1/4, Sec. 19, Twp. 3N., Rge. 4E., B.M.

Pursuant to a request by downstream water user Dirk Markum, personnel from the Department investigated the adequacy of measurement of water through the above-referenced ditch. The Smiths were found to be using a 12" Cipoletti weir located about 100' downstream from the headgate. The weir is handmade and the results of weir measurements were initially uncertain. Therefore the Department arranged for a flow measurement test.

On June 1, Quentin Nesbitt of the Department installed a 3" Parshall flume on the ditch about 60 feet upstream from the original weir location. The flume was allowed to equilibrate for a day, and on June 2, Quentin Nesbitt, Cliff Johnson from the U.S. Dept. of Agricultural Research Service, and I met with Jim Smith at the measurement site. After levelling the devices we measured the flow through weir at a head of 0.16 feet for a flow of 0.216 cfs, and measured the flow through the flume at a head of 0.36 feet for a flow of 0.205 cfs. The resulting difference in measurements of 5 per cent is considered to be within the expected accuracy of the devices. The fact that the weir was located about 60 feet downstream from the flume was considered to produce a negligible ditch loss because the ditch has been running for several months and the ground is considered to be essentially saturated.

Flows From Highland Creek

Based on this test, we drew the following conclusions:

1. A properly levelled Cipolletti weir is an acceptable measuring device on the ditch.
2. The weir pool must have a width of at least twice the head over the weir on each side of the weir, and a depth in front of the blade of at least twice the head over the weir.
3. For early season diversions the weir should be located as close to the headgate as is practical.
4. The Smiths need to obtain an accurate staff gauge. A 12" gauge can be obtained for \$16.50 from:

Leopold & Stevens, Inc.
P.O. Box 680
Beaverton, OR 97075-0688
(503) 646-9171

5. The staff gauge measurement should be made behind the weir from the top of a stake that has been set to the same height as the crest of the weir blade.
6. A staff gauge height of 0.24 feet corresponds to a flow of 0.40 cfs or 20 miners inches.

With respect to diversion from the stream that is tributary to Highland Creek just downstream from the Smith residence, the Smiths intended to divert 5 miners inches (0.10 cfs) as a part of decreed water right no. 63-0019 which describes the use of "twenty-five (25) miners inches of water, measured under a four inch pressure, continuous flow, from the waters of Highland Creek and its tributaries". To measure this flow, I would suggest the use of a properly installed 90° V notch weir at a depth of 0.27 feet.

This water year will likely not provide more than 25 mines inches through the Smith property for the remainder of the irrigation season. For subsequent years, the parties will need to follow these guidelines to insure proper water delivery. Thanks to Jim Smith for your assistance in running the measuring device tests. If any party wishes to further discuss this matter, feel free to respond.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:jp

c.c Cliff Johnson, ARS