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T05N, R05E

63-5109

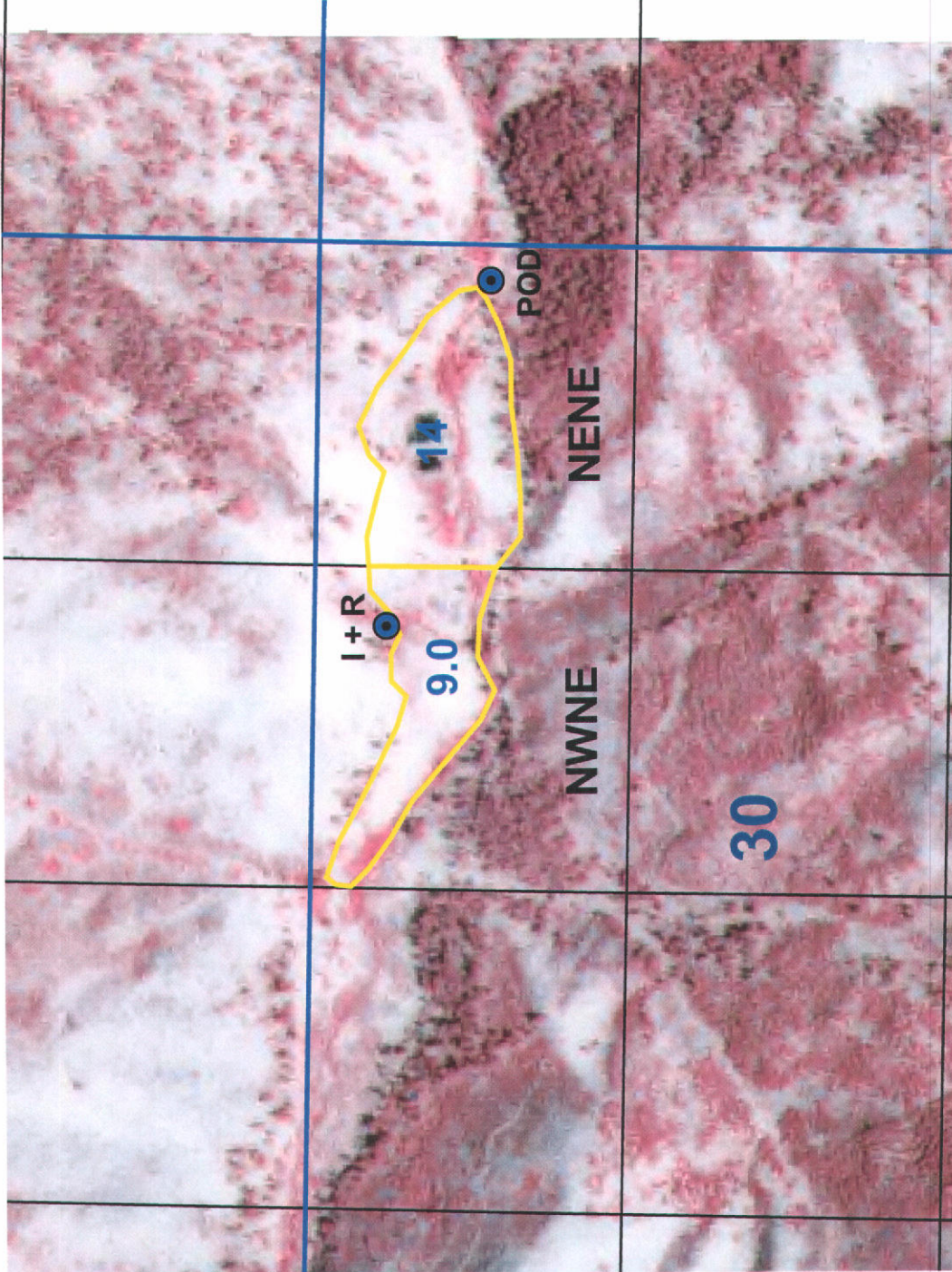
use
Mining



30

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

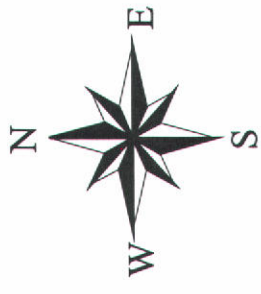
6 SECTION NUMBERS

CLAIM(S): 63-5109

OWNER(S): C.M. LLC

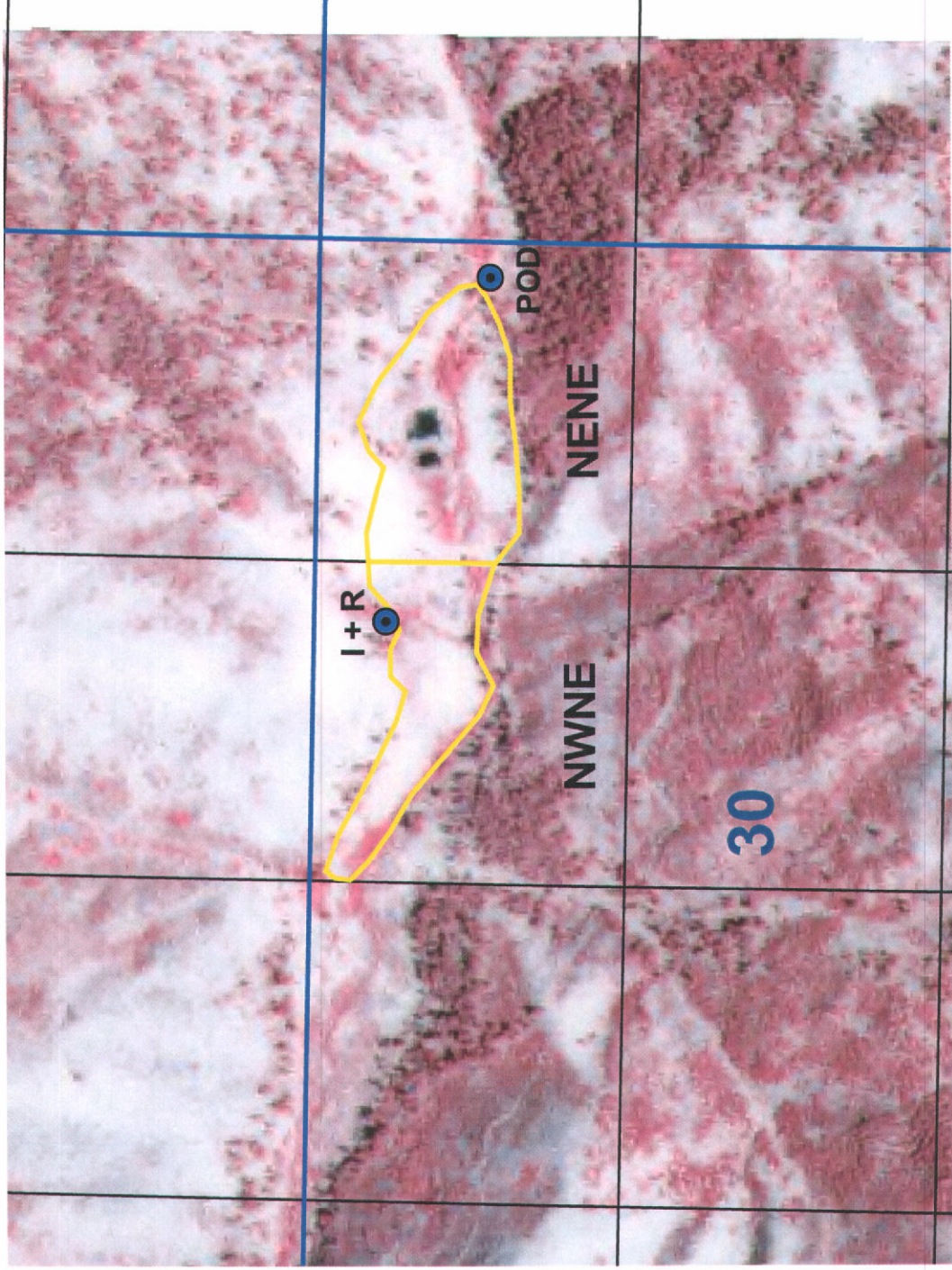
DATE: NOVEMBER 13, 2001

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5109

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

by: Mel Schulte

0 0.25 0.5 0.75 Miles

0

0.25

0.5

0.75 Miles

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #1
POINT OF DIVERSION



PHOTO #2
POND BELOW POD AND
THE BEGINNING OF THE
DELIVERY DITCH

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #3
POU SOUTH OF CREEK



PHOTO #4
UPSTREAM MANNINGS
SITE

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #5
DOWNSTREAM
MANNINGS SITE

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 63-5109
Date Received: 5/22/1989
Receipt No: W002924
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): C M LLC Phone: (208) 342-3563
737 N 7TH ST
BOISE ID USA 83702

2. Date of Priority: 04/26/1889

3. Source: THORN CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05E	30	NE NE	BOISE	

5. Description of diverting works:

PIPE, HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/30	17.7	
STOCKWATER	4/01	11/30	1.02	.03
MINING	4/01	11/30	0.78	

7. Total Quantity Appropriated is:
1.5 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
05N	05E	30	NE NE NE NE NE NE		IRRIGATION STOCKWATER MINING	35
Section Acres						35
Total Acres						35

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:

SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109
CHANGE IN ADDITIONAL USAGE
RECEIPT NUMBERS ARE W002924 AND W002922
Ownership changed by DB 8/22/2001

15. Basis of Claim: Statutory Claim

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

RECEIVED
AUG 21 2001
WATER RESOURCES
WESTERN REGION

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, 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
<u> A63-5109 </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> A63-5373 </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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) are 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)

4. New Owner/Claimant(s)

C-M L.L.C.

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

New Mailing Address

737 N. 7TH ST.

City, State and ZIP Code

BOISE ID. 83702

New Telephone Number

(208) 342 3563

5. Date you acquired the property

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) C-M LLC
(include title if applicable) By Barry Marcus, Managing Member

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-5109
Date Received: 5/22/89
Receipt No: W002924
Received By:

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

1. Name of Claimant(s): CRAIG MARCUS Phone: (208)342-3563
737 NORTH 7TH ST
BOISE ID USA 83702
- BARRY MARCUS Phone: (208)342-3563
737 NORTH 7TH ST
BOISE ID USA 83702
- HORACE CHAPMAN Phone: (208)343-0076
40 ADAMS RD
BOISE ID USA 83716
- EARL CHAPMAN Phone: (208)343-0076
40 ADAMS RD
BOISE ID USA 83716

2. Date of Priority: 04/26/1889

3. Source: THORN CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05E	30	NE NE	BOISE	

5. Description of diverting works:

PIPE, HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/30	1.7	
STOCKWATER	4/01	11/30	1.02	
MINING	4/01	11/30	0.78	

7. Total Quantity Appropriated is:
1.5 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
05N	05E	30	NE NE NE NE NE NE		IRRIGATION STOCKWATER MINING	35
Section Acres						35
Total Acres						35

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:

SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109
CHANGE IN ADDITIONAL USAGE
RECEIPT NUMBERS ARE W002924 AND W002922

15. Basis of Claim: Statutory Claim

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: A63-05109
Date Received: 5/19/1989
Receipt No: W002924
Received By: DE MUE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL CHAPMAN 208-343-0076
Address: C/O IDAHO CITY STAGE
HC 33 BOX 1470
BOISE, ID 83706
OR
Name: BARRY MARCUS 208-342-3563
Address: 737 NORTH 7TH ST.
BOISE, ID 83702
OR
Name: HORACE CHAPMAN 208-343-0076
Address: C/O IDAHO CITY STAGE
HC 33 BOX 1470
BOISE, ID 83706
OR
Name: CRAIG MARCUS 208-342-3563
Address: 737 NORTH 7TH ST.
BOISE, ID 83702

2. Date of Priority: APR 26, 1889

3. Source: THORN CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05E	30		NE	NE		BOISE

5. Description of diverting works:
PIPE, HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/30	1.700		
STOCKWATER	04/01	11/30	1.020		

A63-05109

Page 1

Date: 06/14/89

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AUG 20 1992

6. Water is used for the following purposes: Continued

Purpose	From	To	C.F.S (and/or)	A.F.A.
MINING	04/01	11/30	0.780	

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 RANGE\INDUSTRIAL\MINING\DOMESTIC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05E	30	NE	NE		IRR	35.0
			NE	NE		STOCK	
			NE	NE		MINING	
Section Acres							35.0
Total Acres							35.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109.
CHANGE IN ADDITIONAL USAGE.
RECEIPT NUMBERS ARE W002924 AND W002922.

15. Basis of Claim: STATUTORY CLAIM

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 A63-05109
Date Received 5-19-89-LW
Receipt Number W002924 + W002922

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Horace Chapman and Earl Chapman Phone (208) 342-3563
Barry Marcus and Craig Marcus
Mailing Address HC Box 1470, Boise, Idaho 83706
737 North 7th Street, Boise, Idaho Zip 83702
2. Date of Priority (Only one (1) per claim) April 26, 1889
3. Source of water supply (a) Thorn Creek
which is tributary to (b) Mores Creek
4. a. Location of existing point of diversion is: Township 5N Range 5E Section 30,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Boise
Additional points of diversion if any: none
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pipe, headgate & ditches.

MICROFILMED

AUG 20 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs) 13m

(acre feet)

For Irrigation purposes from 4/01 to 11/30 amount 1.500 or 1.7

For Stockwater purposes from 4/01 to 11/30 amount 1.500 or 1.02

For Mining purposes from _____ to _____ amount .78 or 13m

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.500 4-1 to 11-30 (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) S/20 Range/Industrial/Mining/Domestic

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	5E	30	35																35
5N	5E	30	S																
5N	5E	30	X																

Total number of acres irrigated 35.0

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

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

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

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

14. Remarks:

See attached copy of Claim of Water Right No. 63-5109.

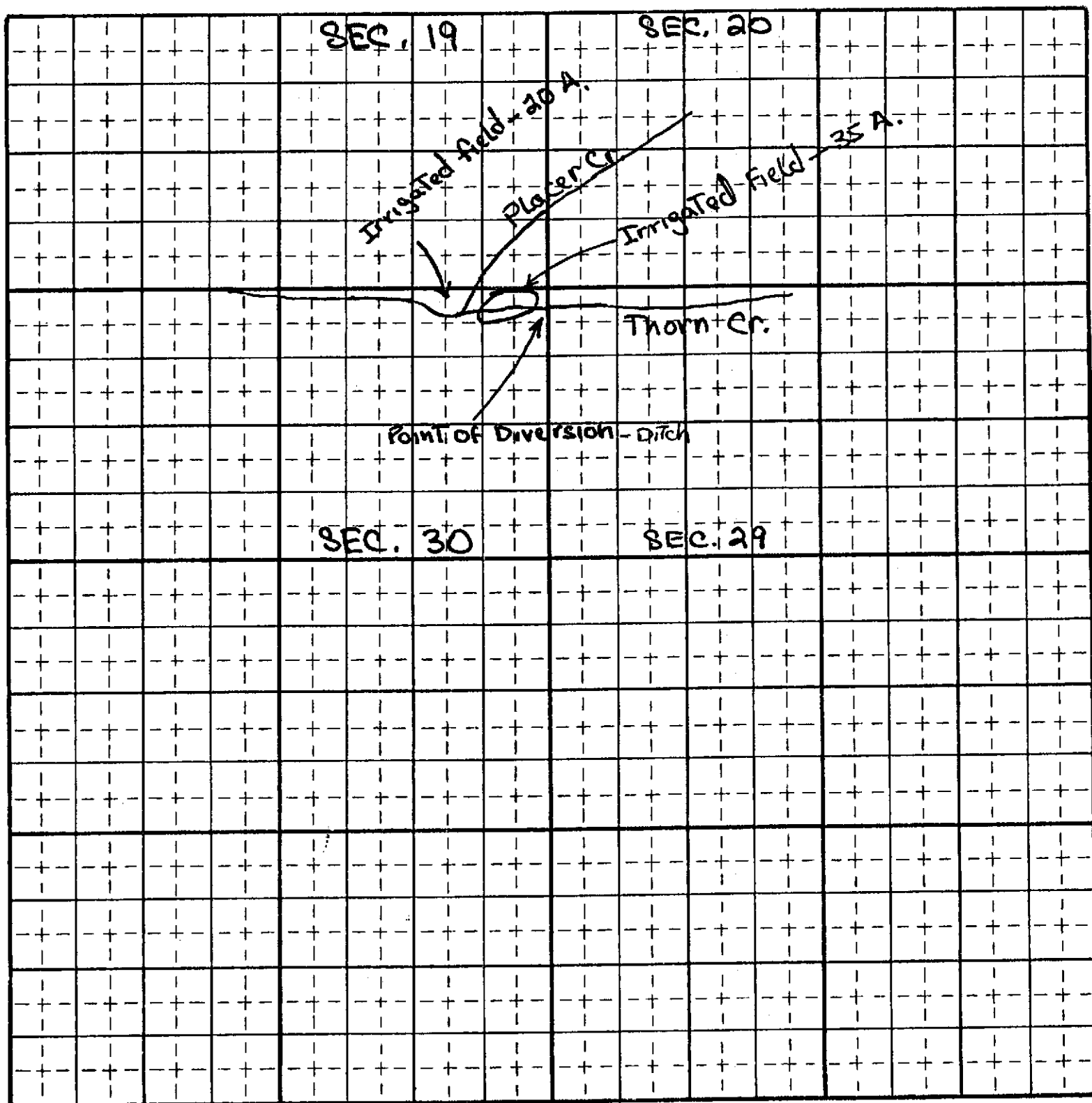
Last Name Chapman/Marcus Ident No. _____

MICROFILMED

Copies: White - State Yellow - Claimant
AUG 20 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



T.S.N. R.S.E.

Chapman-Marcus

MICROFILMED

Last Name Chapman-Marcus

Ident No.

Copies: White-State, Yellow-Claimant

AUG 20 1992

2871 11
11DAH



AUG 20 1992

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 5

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

Signature of Claimant (s) Earl Chapman Date 5/17/89

Barry Marcus Date 5/17/89

Greg Marcus

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ Organization _____

_____ of _____ Title _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 17th day of May 19 89

SEAL

Notary Public Barbara Allen

Residing at Caldwell, Idaho

My Commission Expires April 26, 1995

Please Print Name

17. Notice of Appearance:

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

Signature Barry Marcus
Address 737 N. 7th Boise 83702
Date 5/15/89

Last Name Chapman/Marcus Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
AUG 20 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Horace Chapman, Earl Chapman, Barry Marcus and Craig Marcus
(Name of Claimant)

737 North 7th Street, Boise, Idaho 83702 Telephone No. 342-3563
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 26, 1889 - Notice of Water Right

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Thorn Creek tributary to Mores Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>1.5 cfs</u>	Use <u>Irrigation & stockwater</u>	Period of Use From <u>April 1</u>	To <u>Nov. 30</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 1.5 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A. Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 30 Twp. 5N. Rge. 5E B.M., County of Boise
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pipe and headgate to ditches (approximately 1/2 mile) to fields. Ditch is approximately 2' x 3'. Prior to 1971 the point of diversion for both ditches was on South side of Thorn Creek in 1971 diversion for 1 ditch changed to North side.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	5E	30	35	X															35A

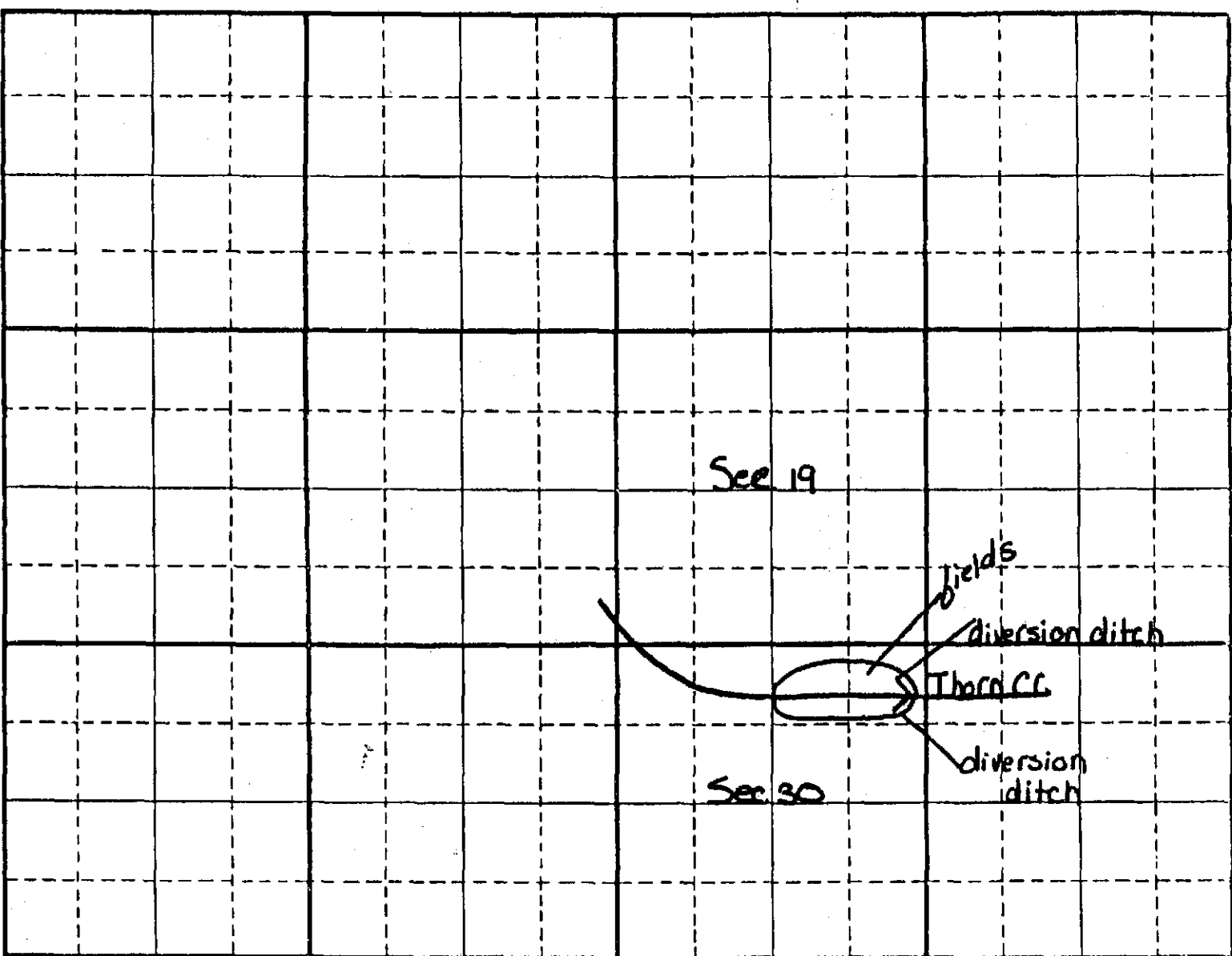
No. of acres 35

- 3) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

OTE: Include here the type and number of stock watered: Cattle - approximately 20 head
you are claiming water as a member of an organization, list name of organization: _____

Chapman - Marcus

(8) Remarks This water right was commenced pursuant to Idaho Code Title IX, Ch. 1, Sec. 3155 - 3167 (Act of February 10, 1881). See Certified copy of William H. Casner Notice of Water Right (1889), Deposition of John Woods Casner and Ephraim Benton Casner attached hereto.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of May 1983.
Barry Marcus
Earl Chapman
Thorn CC (Claimant)

Margaret Rose Starns
Notary Public
Residing at Meridian

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$30.00 fee received by _____ Date _____
Published in _____
Dates _____

Chapman - Marcus

ink Notice of Water Right
Notice is hereby given that I the
undersigned claim (75) seventy five cu
of water out of Thorn Creek for this ditch
known as the Briggs and Casner ditch.

This ditch is one foot and one half w
and two feet deep. said water being claim
for irrigating purposes and takes the water
out of Thorn Creek at the upper end of
Casner Ranch and on the South side of
said Creek

Located this 26th day of April 188
Wm H Casner

Recorded at the request of Wm H Casner
April 29th 1889 at 10 O'clock A M
Wm Warner
Recorder

State of Idaho

County of Boise

SS.

I hereby certify that the foregoing in-
strument is a full true and correct copy
of the original recorded in this office.

Dated May 20, 1913
ARLENE C. KOLAR, Auditor and Recorder

By Arlyne C. Kolar
Deputy

Chipman-Marcus

9700276

97000508

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

163090

INST# 163090
REQUEST Marcus Merrick & Montgomery
96 DEC 16 AM 10:01
BOISE COUNTY RECORDER
BY Shirley George
TYPE Deed FEE \$27.00/ck

Marcus, Merrick & Montgomery
'97 JAN 3 PM 3 17

FEE 27.00 DEP Off Hall
RECORDED AT THE REQUEST OF

QUITCLAIM DEED

FOR VALUE RECEIVED, **Horace Chapman**, a single man; **Earl Chapman**, a single man; **Craig Marcus and Lynne Marcus**, husband and wife; and **Barry Marcus**, a married man dealing with his sole and separate property, do hereby convey, release, remise and forever quitclaim unto **C-M L.L.C.**, whose current address is: 737 North 7th Street, Boise, Idaho 83702, the following described premises, more particularly described as follows, to-wit:

**SEE ATTACHED EXHIBITS A and B
FOR COMPLETE LEGAL DESCRIPTION**

together with their appurtenances.

DATED this 11th day of December, 1996.

9700276

RECORDED

'97 JAN 6 PM 12 27

NED J. KERR
CANYON CITY RECORDER
BY Fickel Drum

REQUEST Marcus Merrick & Montgomery
TYPE Deed FEE 27.00

Horace Chapman
Horace Chapman, a single man

Earl Chapman
Earl Chapman, a single man

Craig Marcus
Craig Marcus, a married man

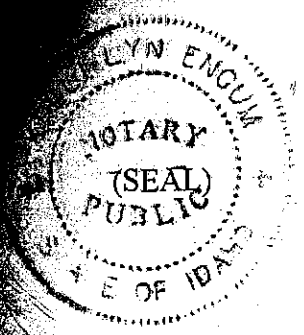
Lynne Marcus
Lynne Marcus, a married woman

Barry Marcus
Barry Marcus, a married man dealing with his sole and separate property

)
: ss.
)

On this 11th day of December, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Horace Chapman and Earl Chapman, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

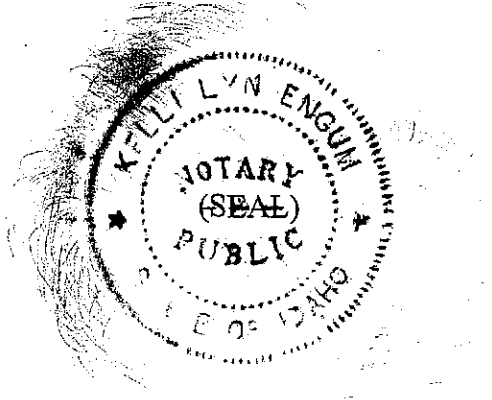


Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

STATE OF IDAHO)
: ss.
County of Ada)

On this 11th day of December, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Craig Marcus and Lynne Marcus, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

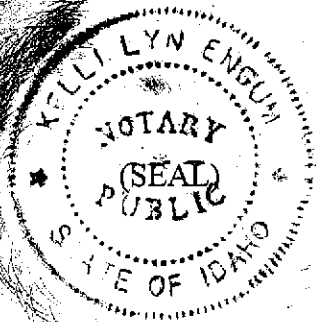
AHO)

: ss.

da)

On this 11th day of December, 1996, before me, the undersigned, a Notary Public in
for said state, personally appeared Barry Marcus, known or identified to me to be the person
whose name is subscribed to the within instrument, and acknowledged to me that he executed the
same.

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



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

EXHIBIT A

Thorn Cr. Property:

Tract I

The SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lots 3 and 4, Section 19 Township 5 North, Range 5 East, Boise Meridian; and

The N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lots 1 and 2 in Section 30, Township 5 North, Range 5 East, Boise Meridian; and

Lots 4 and 5 in Section 24, Township 5 North, Range 4 East, Boise Meridian,

Excluding and excepting therefrom the following grants that have been deeded therefrom:

Grants made from Section 19, Township 5 North, Range 5 East:

Ben Rue Recorded Book 55 of Deeds, page 400;

Caroline Kohley Recorded Book 55 of Deeds, page 370, and
Book 56 of Deeds, pages 98 and 250;

David Tate Recorded Book 53 of Deeds, page 619;

Ray Layshure Recorded Book 52 of Deeds, page 546; and
Book 54 of Deeds, page 215;

Grants made from Section 24, Township 5 North, Range 4 East:

Ray Weaver Recorded Book 52 of Deeds, page 547; and
Book 54 of Deeds, page 211; and Book 54
of Deeds, page 212;

Chester DeRousse Recorded Book 53 of Deeds, page 300; and
Book 56 of Deeds, page 369; and Book 56
of Deeds, page 373; and Book 56 of Deeds,
page 368;

Carl Hopewell Recorded Book 53 of Deeds, page 12;

Warren Drake
Laurence Ryther

Recorded Book 53 of Deeds, page 299;
Recorded Book 55 of Deeds, page 225;

Grants made from Section 30, Township 5 North, Range 5 East:

Ben Rue	Recorded Book 57 of Deeds, page 40;
Caroline Kohley	Recorded Book 55 of Deeds, page 370;
Ann Lane (Breaseale)	Recorded Book 55 of Deeds, page 265;
Ira Ekart	Recorded Book 55 of Deeds, page 284;
Roy Spring	Recorded Book 55 of Deeds, page 84;
Julius Tomessar	Recorded Book 54 of Deeds, page 420;
David Tate	Recorded Book 53 of Deeds, page 619;

Tract II

Beginning at the NE corner of the Webfoot Patented Claim in the SE¼ of Section 24, T. 5 N., R. 4 E., B.M.; thence S. 28°44' West 119.66 feet along the East boundary of said Webfoot Claim; thence N. 94.20 feet; thence N. 82°38½' West, parallel to the North boundary of said Webfoot Claim 176.10 feet to the highway right-of-way; thence North 23°20' East along the highway right-of-way 18.65 feet to the North boundary of the Webfoot Claim; thence S. 83°38½' East along the North boundary of the Webfoot Claim 226.82 feet to the point of beginning.

Together with all water rights appurtenant to both.

Gibbons Property:

The W½ of the SW¼ of Section 2, less 3 acres and also excepting therefrom 10 acres more or less lying on the South and East side of Mores Creek as now located in the SW¼SW¼ of Section 2; and

the SE¼ of Section 3 less 1 acre as shown in Deed dated August 28, 1940, recorded in Book 49 of Deeds at Page 288 thereof, records of Boise County, Idaho; and

The N½NE¼ of Section 10, less 3½ acres;

Which property is located in T. 4 N., R. 4 E.B.M., in Boise County, Idaho,

Carpenter Property:

Commencing at the Quarter Corner common to Sections 19 and 30, Township 5 North of Range 5 East of the Boise Meridian, thence running North 300 feet to Corner No. 1, thence running 70 feet West to Corner No. 2, thence running North 825 feet to Corner No. 3, thence running East 264 feet to Corner No. 4, thence running South 825 to Corner No. 5, thence running West 190 feet to Corner No. 1, the place of beginning being parts of the SE¼SW¼ and the SW¼SE¼ of Section 19, Township 5 North of Range 5 East, B.M.

And

Commencing at the Quarter Corner common to Sections 19 and 30; thence running west along the section line 100 feet to the real place of beginning; thence west 617.6 feet; thence North 300 feet; thence East 617.6 feet; thence South 300 feet to the place of beginning, all in Township 5 North of Range 5 East, B.M.

Joplin Property:

Part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 19, Township 5 North, Range 5 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Commencing at the Quarter Corner common to Sections 19 and 30; thence running West along the Section line 100 feet to Corner No. 1; thence running North 300 feet to Corner No. 2; thence running East 435.6 feet to Corner No. 3; thence running South 300 feet to Corner No. 4; thence running West along the section line 335.6 feet to the point of beginning, all in Township 5 North, Range 5 East of the Boise Meridian;

AND

A part of the Northeast Quarter of the Northwest Quarter of Section 30; Township 5 North, Range 5 East of Boise Meridian, more particularly described as follows:

Commencing at the Quarter corner common to Sections 19 and 30, thence running West along the Section line 300 feet to Corner No. 2; thence running South 150 feet to Corner No. 3; thence running East 300 feet to Corner No. 4; thence running North 150 feet to Corner No. 1, the place of beginning, all in Township 5 North, Range 5 East of the Boise Meridian,

together with all appurtenances including mineral rights and water rights.

Meadow Wood Subdivision Property:

Lots 1, 2, 3, and 4 of Block 1 and Lots 1, 2, 3, 4 and 6 of Block 2, Meadow Wood #1 Subdivision, Nampa, Canyon County, Idaho.

Approximately 5.89 acre parcel located in Nampa, Canyon County, Idaho, and identified as Parcel No. N 00000 347500 by the Canyon County Tax Collector and more particularly described on Exhibit B attached hereto.

Warm Springs Avenue Property:

State of Idaho, County of Ada:

Beginning at the Northwest corner of said tract which is a point from which the center of Section 13, Township 3 North, Range 2 East, Boise Meridian Bears North 7 Degrees 04' West 537.3 feet; thence East 150 feet; thence South 150 feet; thence West 150 feet; thence North 150 feet to the point of beginning.

Except any portion thereof, which may lie within the right-of-way for State Highway No. 21 (Warm Springs Avenue).

Boise County Mineral Rights:

All mineral rights associated with or appurtenant to the Manhattan Patented Placer Claim and the Morning Star Patented Lode Claim located in Sections 29, 30, 31 and 32, T.6N., R.5E., B.M. referenced in that certain document recorded in Boise County, Idaho as Instrument No. 127350.

EXHIBIT B

Meadow Wood Subdivision Property: (5 + Adj. Parcel)

A portion of the SW 1/4 NE 1/4 SE 1/4, Section 34, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

Commencing at the Southeast corner of Section 34, T.3N., R.2W., B.M., Canyon County, Idaho, and bearing N.0°12'50"E. 1316.63 feet along the Easterly boundary of said Section 34, to the Southeast corner of the NE 1/4 SE 1/4, said Section 34;

thence N.89°07'03"W. 656.00 feet along the Southerly boundary of the said NE 1/4 SE 1/4, Section 34, to the Southeast corner of the SW 1/4 NE 1/4 SE 1/4, said Section 34;

thence N.0°01'58"E. 130.01 feet along the Easterly boundary of the said SW 1/4 NE 1/4 SE 1/4, Section 34, to the TRUE POINT OF BEGINNING;

thence continuing N.0°01'58"E. 528.56 feet along the said Easterly boundary of the SW 1/4 NE 1/4 SE 1/4, Section 34, to the Northeast corner of the said SW 1/4 NE 1/4 SE 1/4, Section 34;

thence N.89°05'52"W. 511.88 feet along the Northerly boundary of the said SW 1/4 NE 1/4 SE 1/4, Section 34, to a point on the proposed Westerly right of way line of Emerald Drive, said point being S.89°05'52"E. 146.20 feet from the Northwest corner of the said SW 1/4 NE 1/4 SE 1/4, Section 34;

thence along the said proposed Westerly right of way line of Emerald Drive the following courses and distances:

S.0°08'53"E. 10.55 feet along a line parallel with and 146.20 feet Easterly from the Westerly boundary of the said SW 1/4 NE 1/4 SE 1/4, Section 34, to a point of curve;

thence Southeasterly 96.81 feet along a curve to the left having a radius of 210.00 feet, a tangent of 49.28 feet, a deflection angle of 26°24'51" left and whose long chord bears S.13°21'19"E. 95.96 feet to a point of reverse curve;

thence Southeasterly 71.85 feet along a curve to the right having a radius of 150.00 feet, a tangent of 36.63 feet, a deflection angle of 27°26'41" right and whose long chord bears S.12°50'24"E. 71.17 feet to a point of tangent;

thence S.0°52'57"W. 94.74 feet to a point of curve;

thence Southeasterly 117.61 feet along a curve to the left having a radius of 210.00 feet, a tangent of 60.39 feet, a deflection angle of 32°05'21" left, and whose long chord bears S.15°09'43"E. 116.08 feet to a point of reverse curve;

thence Southeasterly 84.01 feet along a curve to the right having a radius of 150.00 feet, a tangent of 43.14 feet, a deflection angle of 32°05'21" right and whose long chord bears S.15°09'43"E. 82.92 feet to a point of tangent;

thence leaving the said proposed Westerly right of way line of Emerald Drive and bearing S.89°07'03"E. 155.00 feet along a line parallel with and 200.00 feet Northerly from the Southerly boundary of the said SW 1/4 NE 1/4 SE 1/4, Section 34, to a point;

thence at right angles and bearing S.0°52'57"W. 70.00 feet to a point;

thence at right angles and bearing S.89°07'03"E. 269.05 feet along a line parallel with and 130.00 feet Northerly from the said Southerly boundary of the SW 1/4 NE 1/4 SE 1/4, Section 34, to the point of beginning;

containing 5.40 acres, more or less.

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

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

63-15684, -5332, -2472, -15677

Claim Number(s): 63-5334, -15683, -5373, -5109, -5108

Previous Mailing Address: HC 33 Box 1470 Boise ID
83706

New Mailing Address: 40 Adam R.D. Boise ID
83716

Telephone Number: (208) 343 0076

Signature of Claimant(s): Horace Chapman

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2001

HORACE CHAPMAN
EARL CHAPMAN
40 ADAMS RD
BOISE ID 83716

Re: Notice of Claim to a Water Right No. 63-15684, 63-05332, 63-2472, 63-15677,
63-05334, 63-15683, 63-05373, 63-05108 & 63-05109

Dear Claimant(s):

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

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

TITLE IX. WATER RIGHTS AND IRRIGATION.

CHAPTER I.

WATER RIGHTS.

SECTION
3155. Rights to water may be acquired by appropriation.
3156. Appropriation must be for a useful purpose.
3157. Point of diversion may be changed.
3158. Water may be turned into natural channels.
3159. First in time, first in right.
3160. Notice of appropriation.

SECTION
3161. Diligence in appropriation.
3162. Completion defined.
3163. Doctrine of relation applied.
3164. Forfeiture.
3165. Ditches, etc., heretofore made.
3166. Rights of present claimant.
3167. Recorder to keep book in which to record notices.

SECTION 3155. The right to the use of running water flowing in a river, or stream, or down a cañon or ravine, may be acquired by appropriation.

SEC. 3156. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

SEC. 3157. The person entitled to the use may change the place of diversion, if others are not injured by such change, and may extend the ditch, flume, pipe or aqueduct by which the diversion is made, to places beyond that where the first use was made.

SEC. 3158. The water appropriated may be turned into the channel of another stream and mingled with its water, and then reclaimed; but in reclaiming it the water already appropriated by another must not be diminished.

SEC. 3159. As between appropriators, the one first in time is the first in right.

SEC. 3160. A person desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended diversion, stating therein:

1. That he claims the water there flowing to the extent of (giving the number) inches, measured under a four inch pressure, and accurately describing the point of diversion;
2. The purpose for which he claims it, and the place of intended use;
3. The means by which he intends to divert it, and the size of the flume, ditch, pipe or aqueduct in which he intends to divert it; a copy of the notice must, within ten days after it is posted, be recorded in the office of the Recorder of the county in which it is posted.

SEC. 3161. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snow or rain.

SEC. 3162. By "completion" is meant conducting the waters to the place of intended use.

SEC. 3163. By a compliance with the above rules, the claimant's right to the use of the water relates back to the time the notice was posted.

§3155
Right to water, how acquired. Chap. I. Am'd'd. Laws 35, pgs. 174, 180, 215.
Act Feb. 10, 1881.

Appropriation to be for useful purposes.

Point of diversion may be changed.

Water may be turned into natural channels.

§3159
First in time, first in right. 2 Idaho, pg. 10-7

Notice of appropriation.

§3161
Diligence in appropriating. 32 Pacific, pg. 251

Completion defined.

Doctrine of relation applied.

Forfeiture.

SEC. 3164. A failure to comply with such rules deprives the claimants of the right to the use of the water as against a subsequent claimant who complies therewith, except as provided in the next section.

§3165

2 Idaho,
pg. 99Ditches, etc.,
heretofore
made.
11 sec., 269-9.

SEC. 3165. All ditches, canals, and other works heretofore made, constructed, or provided, by means of which the waters of any stream have been diverted and applied to any beneficial use, must be taken to have secured the right to the waters claimed, to the extent of the quantity which said works are capable of conducting, and not exceeding the quantity claimed, without regard to or compliance with, the requirements of this chapter.

Rights of
present claim-
ant.

SEC. 3166. Persons who have heretofore claimed the right to water, and who have not constructed works in which to divert it and who have not diverted nor applied it to some useful purpose, must, after this Title takes effect, and within ninety days thereafter, proceed as in this Title provided, or their right ceases.

Recorder to
keep book.

SEC. 3167. The Recorder of each county must keep a book, in which he must record the notices provided for in this Title.

CHAPTER II.

RIGHT OF WAY FOR DITCHES.

SECTION

3180. Right of land owners.
3181. Land owners entitled to right of way.
3182. When right of way is refused, to petition County Commissioners.
3183. Oath of appraiser; must hear proofs and make certificates.
3184. Rights of riparian owners.

SECTION

3185. Right of way.
3186. Ditches, etc., to be kept in good repair.
3187. Not to interfere with prior rights.
3188. Insufficiency of supply of water.
3189. Order of right to use of water; repair of ditches.
3190. Use of excess of water.

§3180

Chap. II Am'd
Laws '85, pg's.
174, 184, 215.Right of land
owners.
11 sec., 269.

SECTION 3180. All persons, companies, and corporations, owning or claiming any lands situated on the banks or in the vicinity of any stream, are entitled to the use of the waters of such stream for the purpose of irrigating the land so held or claimed.

Land owners
entitled to
right of way.
11 sec., 269.

SEC. 3181. When any such owners or claimants to land have not sufficient length of frontage on a stream to afford the requisite fall for a ditch, canal, or other conduit on his own premises for the proper irrigation thereof, or where the land proposed to be irrigated is back from the banks of such stream, and convenient facilities otherwise for the watering of said lands cannot be had, such owner or claimants are entitled to a right of way through the lands of others, for the purposes of irrigation; *Provided*, That in the making, constructing, keeping up, and maintenance of such ditch, canal or conduit, through the lands of others, the person, company, or corporation, proceeding under this section, and those succeeding to the interests of such person, company, or corporation, must keep such ditch, canal, or other conduit in good repair, and are liable to the owners or claimants of the lands crossed by such work or aqueduct, for all damages occasioned by the overflow thereof, or resulting from any neglect or accident (unless the same be unavoidable) to such ditch or aqueduct.

To keep
conduit in
good repair.

Damages.

When right
of way is
refused.
11 sec., 269.

SEC. 3182. In case of the refusal of the owners or claimants of any lands through which such ditch, canal, or other works are proposed to be made or constructed, to al-

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IN THE MATTER OF

JOHN WOODS CASNER and
EPHRAIM BENTON CASNER,

Petitioners,

DEPARTMENT OF RECLAMATION,
STATE OF IDAHO,

:
: DEPOSITIONS OF

: JOHN WOODS CASNER
: EPHRAIM BENTON CASNER
:

Respondent.

Before Wm. E. Rice, Notary Public, at Boise, Idaho,
March 31, 1970.

DISTRICT COURT BOISE COUNTY, IDAHO.
Recorded in Book _____ Page _____

Filed APR 22 1970

Katherine M. Brown No. _____
CLERK
By _____ DEPUTY

MICROFILMED

AUG 20 1992

1 BE IT REMEMBERED, that the depositions of John Woods
2 Casner and Ephraim Benton Casner were taken before Wm. E.
3 Rice, Notary Public, at the Restful Manor at 316 West
4 Washington St. in Boise, Ada County, Idaho at or about the
5 hour of three o'clock p.m. on the 31st day of March 1970.

6 APPEARANCES: Barry Marcus, of the firm of Marcus & Marcus -
7 for the Petitioner.

8 Wm. D. Collins, Assistant Attorney General of
9 Idaho, for the Department of Reclamation, State
10 of Idaho.

11 MR. MARCUS: This deposition is taken
12 pursuant to Order dated March 6, 1970, issued by Honorable
13 Alfred C. Hagan, Fourth District Judge, for perpetuation of
14 testimony. We will have both John Woods Casner and Ephraim
15 Benton Casner sworn and I will examine them both at the same
16 time for the convenience of this deposition. We will have the
17 Petitioners read and sign the deposition before it is filed.
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APPEARANCES

MICROFILMED

AUG 20 1992

WM E RICE CERTIFIED SHORELAND REPORTER NOTARY PUBLIC BOISE IDAHO

Chapman - Marcus

1 JOHN WOODS CASNER and EPHRAIM BENTON CASNER
2 Called for their deposition pursuant to Order, were sworn and
3 testified on their respective oaths as follows:
4

5 DIRECT EXAMINATION

6 By Barry Marcus.

7 Q John, would you state your name?

8 A John Woods Casner.

9 Q How old are you, John?

10 A I'll be 74 the 30th day of July.

11 Q Where were you born, John?

12 A Down here on Mores Creek, at the old toll gate.

13 Q Where is that in relation to where Thorn Creek runs
14 into Mores Creek?

15 A Oh, it ain't very far. About a quarter of a mile up
16 from the mouth of Thorn Creek; maybe not that far.

17 Q What was the date of your birth?

18 A July 30th, 1896.

19 Q Where do you live now, John?

20 A On Thorn Creek yet.

21 Q On Thorn Creek? And have you lived there all of your
22 life?

23 A Most all my life.

24 Q Is Ephraim Benton Casner your brother?

25 A Yes sir.

CASNER - Di

MICROFILMED

AUG 20 1992

1 EPH CASNER: Yes.

2 THE END

3
4 John W Casner
5 Signature of John Woods Casner.

6
7 Ephraim Benton Casner
8 Signature of Ephraim Benton Casner.

9
10 AFFIDAVIT OF JOHN WOODS CASNER

11 STATE OF IDAHO:
12 : ss.
13 County of Ada :

14 I, John Woods Casner, being first sworn, state as follows:

15 That I have read the Court Reporter's transcript of the
16 deposition given by myself and my brother Ephraim Benton
17 Casner at Boise, Idaho March 31, 1970 and believe that all of
18 the contents thereof are true and correct except as may now be
19 shown as changed by me in the transcript in my own handwriting
20 where in each and every instance I have also placed the date
21 of making the change, and my own initials.

22 In compliance with the Rules of Civil Procedure, each
23 change that I have made in the transcript has also been listed
24 on the page next after this page, showing page number and line
25 number and the change made and the reason for the change.

AFFIDAVIT OF JOHN WOODS CASNER

MICROFILMED
46

AUG 20 1992

WM E RICE COURT REPORTER AND NOTARY PUBLIC BOISE IDAHO

Chapman - Maran

1 There are no other changes I wish to make in the
2 deposition.

3 John W Casner
4 Signature of John Woods Casner.

5
6 Subscribed and sworn to before me this 20th day of
7 April, 1970.

8 Barry L. Marcus
9 Notary Public.

10 Residing at Boise, Idaho

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AFFIDAVIT OF JOHN WOODS CASNER

MICROFILMED
47
AUG 20 1992

WM E RICE - CERTIFIED SHORTHAND REPORTER - NOTARY PUBLIC - BOISE, IDAHO

Chapman - Marcus

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AFFIDAVIT OF EPHRAIM BENTON CASNER

STATE OF IDAHO :
 : ss.
County of Ada :

I, Ephraim Benton Casner, being first sworn, state as follows:

That I have read the Court Reporter's transcript of the deposition given by myself and my brother John Woods Casner at Boise, Idaho March 31, 1970 and believe that all of the contents thereof are true and correct except as may now be shown as changed by me in the transcript in my own handwriting, where in each and every instance I have also placed the date of making the change, and my own initials.

In compliance with the Rules of Civil Procedure, each change that I have made in the transcript has also been listed on the page next after page 46 and before page 47, showing page number and line number and the change made and the reason for the change.

AFFIDAVIT OF EPHRAIM BENTON CASNER

MICROFILMED

AUG 20 1992

WM. E. RICE, COURT REPORTER AND NOTARY PUBLIC, BOISE, IDAHO

Chapman - Marcus

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There are no other changes I wish to make in the deposition.

Ephraim Benton Casner
Signature Ephraim Benton Casner.

Subscribed and sworn to before me this 22nd day of April, 1970.

Barry L. Marcus
Notary Public.

Residing at Boise, Idaho

AFFIDAVIT OF EPHRAIM BENTON CASNER

MICROFILMED

AUG 20 1992

WM E RICE COURT REPORTER AND NOTARY PUBLIC - BOISE, IDAHO

Chapman - Marcus

1 CERTIFICATE OF NOTARY PUBLIC AND COURT REPORTER

2 STATE OF IDAHO :
3 : ss.
4 County of Ada :

5 I, Wm. E. Rice, certify that I am a Notary Public
6 within and for the State of Idaho, and am a Certified
7 Shorthand Reporter;

8 That the deposition of John Woods Casner and Ephraim
9 Benton Casner, at which both of said deponents were examined
10 in a single deposition for both of them, was taken before me
11 as Notary Public, and prior to being examined and giving their
12 deposition, John Woods Casner and Ephraim Benton Casner were
13 sworn by me to tell the truth, the whole truth, and nothing
14 but the truth;

15 That all of the proceedings of record were taken down by
16 me in shorthand and have since been transcribed by me on the
17 typewriter;

18 That the foregoing pages numbered 1 to 46 inclusive
19 contain a true and correct record of all of the deposition.

20 I further certify that I am not of counsel or attorney
21 for either of the parties hereto or in any way interested in
22 the event of this cause, and that I am not related to either
23 of the parties hereto.

State of Idaho }
County of Boise }

24 I hereby certify that the foregoing instrument is a full true and correct copy of the
25 original on file in this office.

26 Dated May 30 1970
27 ARLENE C. KOLAR, Clerk

By Wm. E. Rice
Deputy

Wm. E. Rice
Notary Public
Certified Shorthand Reporter

CERTIFICATE OF NOTARY PUBLIC AND COURT REPORTER

MICROFILMED

WM E RICE - CERTIFIED SHORTHAND REPORTER, NOTARY PUBLIC, BOISE, ID. AND AUG 20 1992

Chapman - Marcus

Chapman - Moore

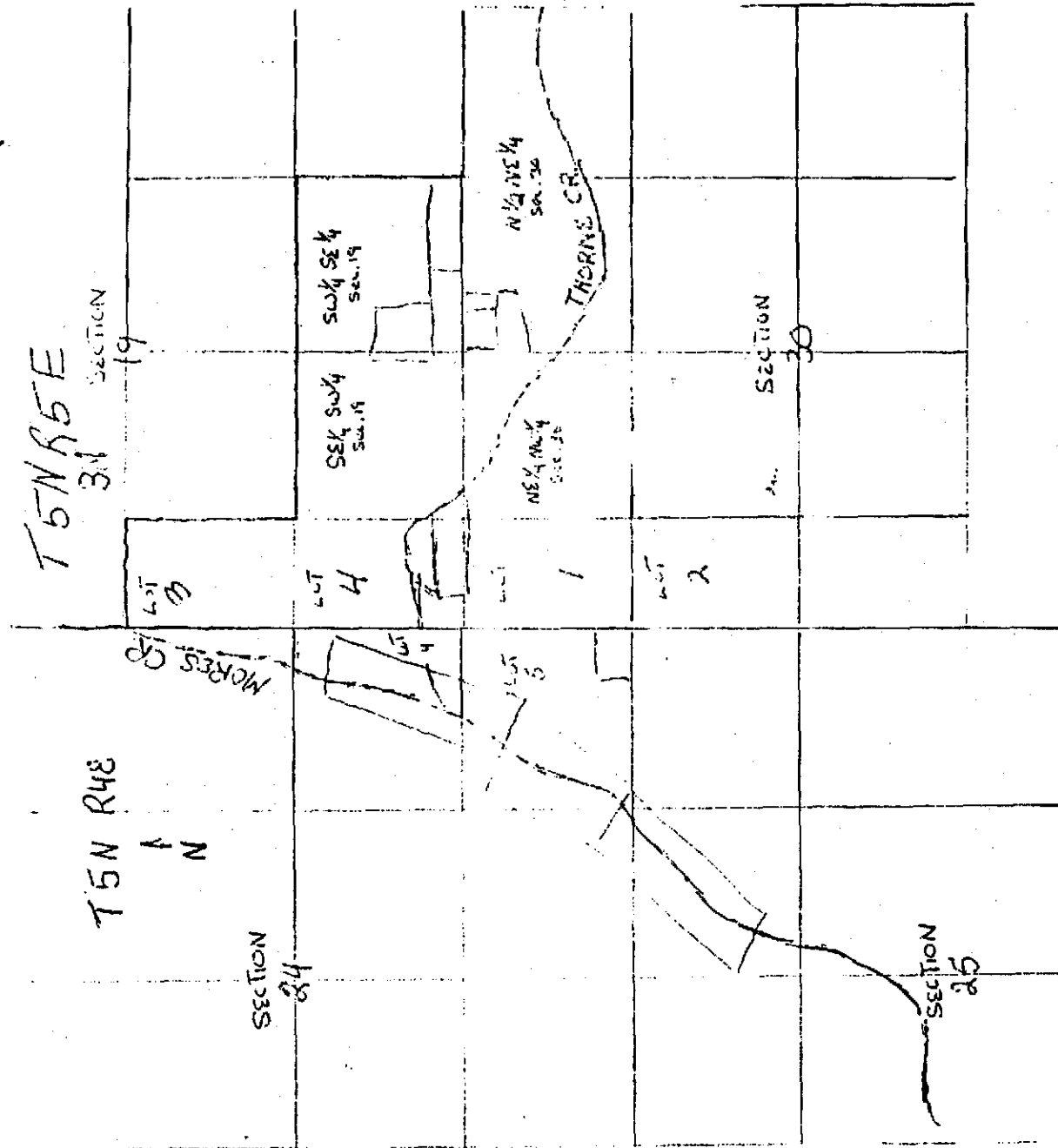


EXHIBIT
#1

MICROFILMED
AUG 20 1992

CONVERSATION MEMORANDUM

DATE 6-6-89

FILE 63-5109

NAME OF PARTY Chapman Horace

EMPLOYEE Linda Winner

RE: Period of use

4-1 to 11-30 - Mining

MICROFILMED

AUG 20 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

C. Haberman - Norace

CLAIM IDENT. NO.

63-5109

DATE RECEIVED

5-19-89

CK #

5474-5472

AMOUNT \$

5478

85

1. Is the name and address complete with zip code?

YES

NO

Reg
In

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in t

N/A

15. Is the basis c

16. Has the claim payment status

docket sheet? (If yes, describe

17. Is the claim

and is the signature appropriate?

18. Has the claim

and dated by a notary?

19. Was this cla

s an extension granted?

20. Is the fee enclosed correct? Exempt

21. Is this claim is based on an existing water right, has the identification number been entered?

N/A

22. Should this claim be receipted and data entered?

Claim checked by:

LWDate: 6-6-89

Claim must be returned to claimant: (Yes) (No)

Claimant must be sent a copy of amended claim for approval: (Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

C heck C for presumption + in remarks putA change in additional usage

MICROFILMED

AUG 20 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

C. Haberman - Norace

CLAIM IDENT. NO.

63-5109

DATE RECEIVED

5-19-89

CK #

5474-5472

AMOUNT \$

547885

1. Is the name and address complete with zip code?

YES

NO

Reg
In

2. Is a priority date entered?

Is the priority date acceptable in view of mandatory filing dates?

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.)

17. Is the claim signed by the claimant, and is the signature appropriate?

18. Has the claim been signed, sealed, and dated by a notary?

19. Was this claim filed on time, or was an extension granted?

20. Is the fee enclosed correct? Exempt

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

22. Should this claim be receipted and data entered?

Claim checked by:

LW

Date:

6-6-89

Claim must be returned to claimant:

(Yes)

(No)

Claimant must be sent a copy of amended claim for approval:

(Yes)

(No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

C heck C for presumption + in remarks putA change in additional usage

MICROFILMED

AUG 20 1992

RECEIVED

JAN 29 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 63-05109

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Idaho Department of Lands
Address: 954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

Daytime Phone: (208) 334-0200

Name & Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General
Idaho Department of Lands
Attorney Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400
Idaho State Bar # 2597

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

Name: C M LLC
Address: 737 N 7th St.
Boise, ID 83702

D. I object to the following elements as recommended in the Director's Report.

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
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: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of the land upon which use is claimed. This land is Public School endowment land. This land consists of a portion of section 30, Township 5 North, Range 5 East, Boise Meridian. The overlap of the place of use for Notice of Claim No. 63-05109 with the Public School Endowment Land is shown on Attachment I. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be on such lands.

The State of Idaho acquired the place from the claimant in a warranty deed dated April 10, 2000. A copy is attached as Attachment II.

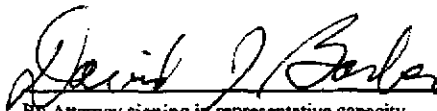
F. VERIFICATION

State of Idaho)
) ss.
County of Ada)

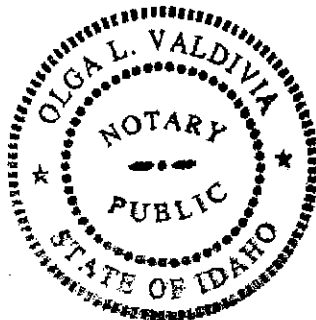
David J. Barber, being first duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
DAVID J. BARBER
Deputy Attorney General
Idaho Department of Lands


By Attorney signing in representative capacity

Subscribed and sworn to before me on: 1-28-03
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/06

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 28, 2003, I caused the original and the copies of this objection, including all attachments, to be served on the following persons by the method designated:

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

U.S. MAIL

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

C M LLC
737 N 7th St.
Boise, ID 83702

U.S. MAIL

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

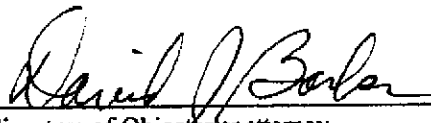
STATEHOUSE MAIL

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

(not applicable)

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

U.S. MAIL



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

**BASIN 63, PART 1
PLACE OF USE
63-5109**

STATE OF IDAHO
ACQUIRED LANDS

State Acquisition
Identification No. 332

Inst # 176928

ACQ #332

WARRANTY DEED

Warranty deed made this 10th day of April, 2000, between G-M LLC, whose mailing address is 25 Adams Ranch Road, Boise, Idaho 83706, referred to as "Grantor", and STATE OF IDAHO, DEPARTMENT OF LANDS, whose mailing address is 954 West Jefferson St., P.O. Box 83720, Boise, Idaho 83720-0050, acting by and through the State Board of Land Commissioners, referred to as "Grantee".

Grantor, in consideration for the exchange of other land by conveyance from Grantee and other good and valuable consideration, the receipt whereof is hereby acknowledged does hereby grant, bargain, sell, convey, and confirm unto Grantee and its successors and assigns forever, all the following described real estate situated in Boise County, Idaho:

Township 5 North, Range 5 East, B.M.

Acres

Section 30: Lots 1 and 2 and those portions of NE1/4NW1/4 and NW1/4NW1/4 lying south of Thom Creek Road excepting however, those parcels of real property described in instrument No's. 140827, 161416 and 172722, recorded at Boise County, Idaho, and the Thom Creek County Road #377

TOTAL ACRES:

96.00

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever, subject to the following:

Rights of way thereon reserved to the United States for ditches and canals constructed by authority of the United States.

The said Grantor WARRANTS to the Grantee that it is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said property.

EXECUTED this 10th day of April, 2000.

G-M LLC,

By: Sandy Marcus, Managing Member

By: Thomas Chapman

File Reference: Marcus- Chapman Land Exchange- Warranty Deed dated April 10, 2000 conveyed 96.00 acres in Boise County to the State of Idaho. The Exchange was completed on May 12, 2000. This exchange also included as easement exchange. See Acquired Easement No. 519 and Easement No. 6167.

Warranty Deed
C-M LLC
to State of Idaho
Page 2 of 2

176928

INSTR 176928
REQUEST State Dept of Lands
05 MAY 12 AM 8:25
COUNTY RECORDER
J. C. [Signature]
TYPE 31 FEE [Signature]

State of _____ } ss.
County of _____ }

On this 10 day of April, 2000, before me, a Notary Public in and for said state, personally appeared JOHN DEAN LEE CHERRYMAN, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.



[Signature]
Notary Public for Idaho
Residing at BOISE ID
My Commission expires 8/4/2004

A63-5109. - Thom Creek.

1. Ownership ? - CM LLC.
2. GPS - POD site
3. Use - mining added ok. non-consumptive
4. Who will accompany field ~~exam~~^{Force.}
5. Measurement needed - Yes - manning
6. POU & delivery system

02/26/2002

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

RIGHT NUMBER: 63-5109
NAME AND ADDRESS: C M LLC
737 N 7TH ST
BOISE ID 83702

SOURCE: THORN CREEK TRIBUTARY: MORES CREEK
QUANTITY: 1.26 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/26/1889

POINT OF DIVERSION:

T05N R05E S30 NENE Within BOISE County
T05N R05E S30 NWNE Injection Within BOISE County
T05N R05E S30 NWNE Rediversion Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.460 CFS
STOCKWATER	04/01 11/30	0.020 CFS
MINING	04/01 11/30	0.780 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R05E S30 NENE 14.0 T05N R05E S30 NWNE 9.0

STOCKWATER Within BOISE County

T05N R05E S30 NENE T05N R05E S30 NWNE

MINING Within BOISE County

T05N R05E S30 NENE

23 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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use
STOCKWATER, 20 RANGE CATTLE

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

CLAIM NO(s). A63-5109.

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 4-26-1889.

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

Affidavits & posted notice & depositions
(See claim stack)

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 5N Range 5E Section 30 1/4 _____ 1/4 NW 1/4 NE = INJ
Township 11 Range 11 Section 30 1/4 _____ 1/4 NW 1/4 NE = Redwieser

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☒ Incomplete description, list below:

Thorn Creek water flows through a ditch & pipe
and injects into Placer Creek but redirected
into the same ditch at the Placer Creek POD
to irrigate the fields to the West.

6. ☐ No Change - WATER USES

☐ Different uses, (list uses found):

Use Irrigation From 4-1 To 10-31 Amount .46 CFS _____ AFA
 Use Stock From 4-1 To 10-31 Amount .02 CFS _____ AFA
 * Use Mining From 4-1 To 11-30 Amount .78 CFS _____ AFA

7. ☐ No Change - TOTAL VOLUME

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

☒ Changes found, the new total is, Amount 1.26 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: Mining added as a non-consumptive use.

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

Use: Ac. Township 5N Range 5E Section 30 1/4 NW 1/4 NE - 9 ac.
 Use: _____ Township " Range " Section " 1/4 NE 1/4 NE - 14 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

The mining equipment is still in place but
hasn't been used for several years.

C18, N5, N8

☒ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-29-2001

FIELD EXAMINER: _____

Print Name

Meel Schulte
 Signature

RECEIVED

OCT 02 2001

WATER RESOURCES
WESTERN REGION

Barry Marcus, ISB No. 1181
MARCUS, MERRICK, MONTGOMERY,
CHRISTIAN & HARDEE, LLP
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: (208) 342-3563
Telefax: (208) 342-2170

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.

Case No. :39576

Identification No. 63-05109 and 63-05373
(Boise County – C-M, L.L.C.)

AFFIDAVIT OF HORACE CHAPMAN

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

Horace Chapman, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have knowledge of the facts stated herein.

2. I was one of the owners of the Thorn Creek Property prior to its conveyance to C-M, LLC in 1997. The property consists of approximately 200 acres. It is located next to Thorn Creek on the north side. It includes the land irrigated by the Thorn Creek and Placer Creek water rights. Our water right in Thorn Creek is identified as 63-05109. Our water right out of Placer Creek is 63-05373.

3. I have lived in the Mores Creek area since 1936. My brother and I and our partner, Bill Adams, did all of the work involved in diverting water from Thorn Creek and Placer Creek, each year to irrigate the Thorn Creek Property after we bought the property in 1971. Historically, water was diverted from Thorn Creek and used to irrigate approximately 35 acres located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T. 5 N., R. 5 E., B.M. The water has been used each year up to and including 2001 for the irrigation of a tree farm and wild grass pasture located within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30. In addition the water has been used in the past for mining purposes (washing plant with settling ponds). The water has also been used within the last five years for stock water.

4. The Thorn Creek water is diverted by a headgate and pipe and brought to the property by ditch. These structures have been in place ever since I can remember, in the late 1930's. We have maintained these structures every year since we bought the property in 1971. Before we acquired the property it was owned by the Casner family.

5. The Placer Creek water is diverted by a dam, cistern and pump. The water flows to the irrigated area through a ditch. It irrigates approximately 20 acres of wild grass pasture and has been used for industrial purposes in the shop which is located on the property and for domestic purposes, serving the residence located on the property. We have maintained these every year since we acquired the property in 1971. Before that the Casner family maintained it. We have used the water each year since 1971.

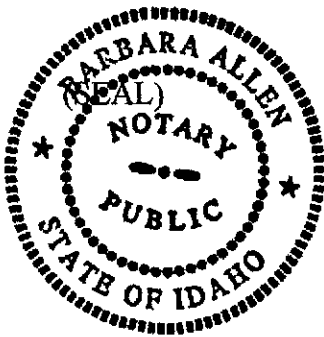
6. The early use of this water is described in George Emerson's deposition and in the Affidavits of Ephraim and John Casner.

Dated this 2nd day of ^{October}~~September~~, 2001.

Horace Chapman
Horace Chapman

SUBSCRIBED AND SWORN TO before me this 2nd day of ^{October}~~September~~, 2001.

Barbara Allen
Notary Public for State of Idaho
Residing at Caldwell, Idaho
My Commission Expires: 5/1/2007



T05N, R05E

ditch ~~to~~ ~~BA~~ ~~BA~~ Ditch

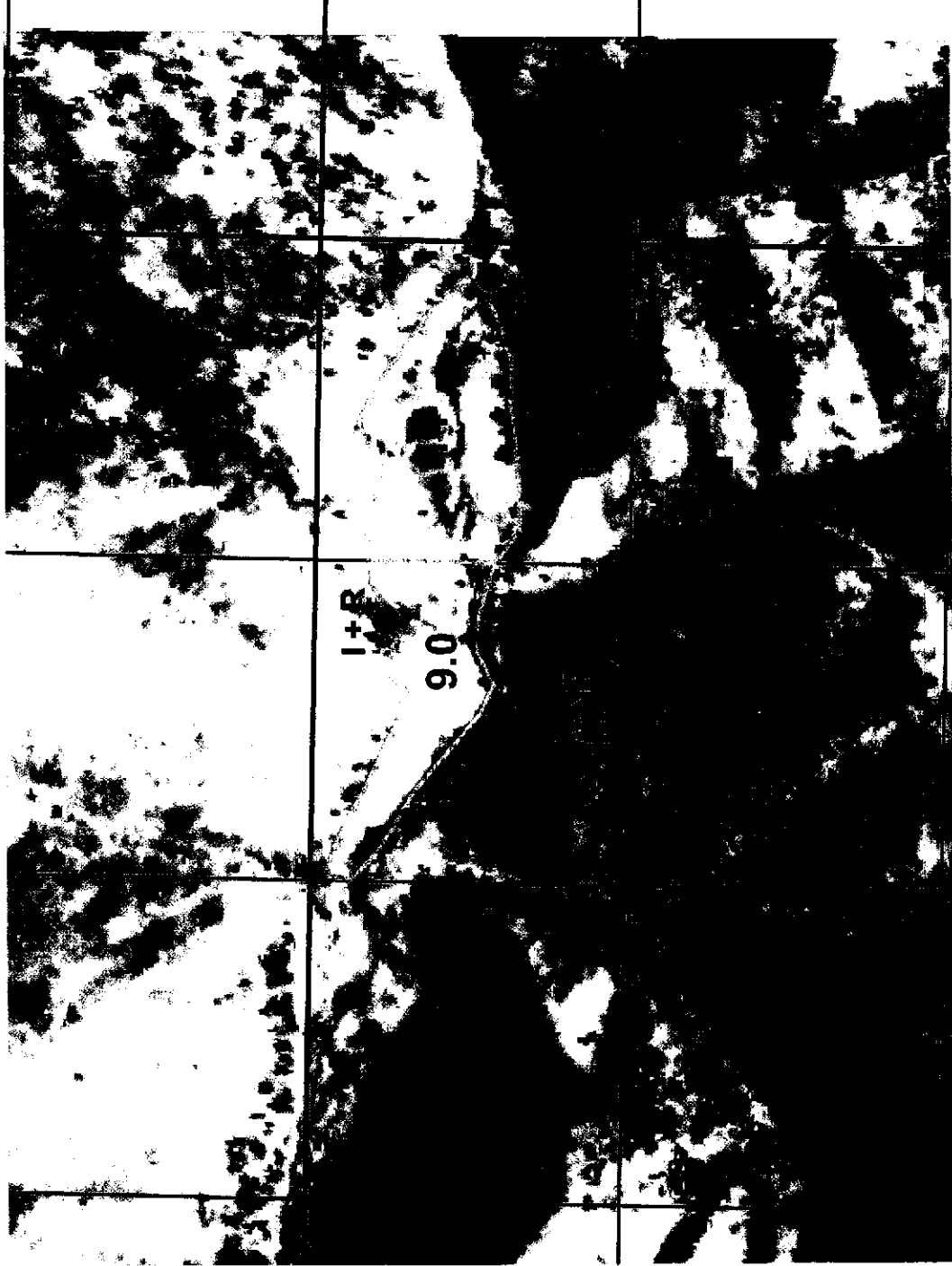
Place
Cr. H

horn

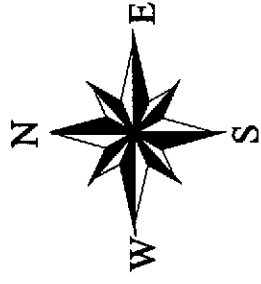
13-5109

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



0 0.25 0.5 0.75 Miles



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5109

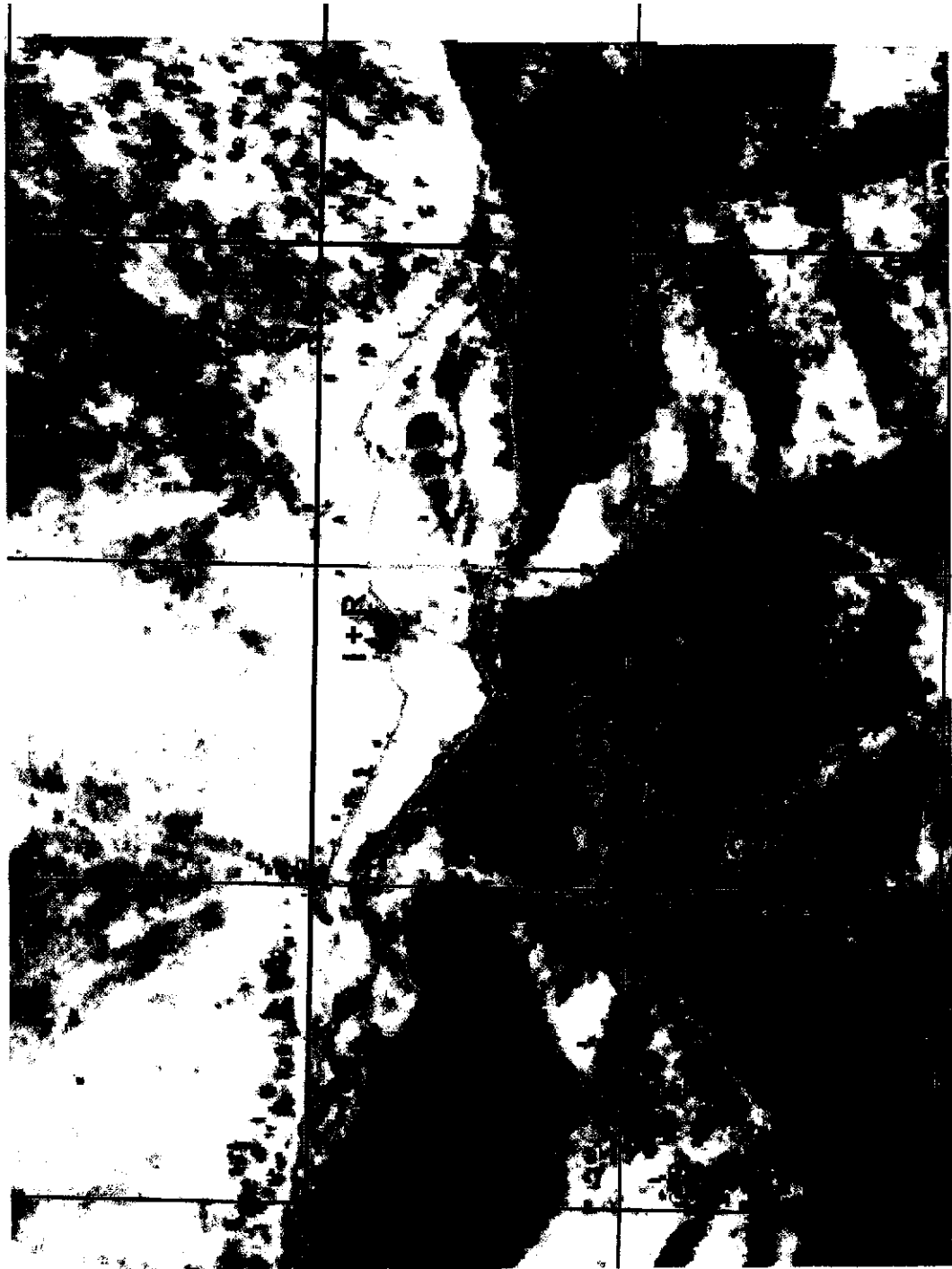
OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

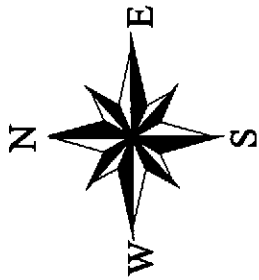
by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



0 0.25 0.5 0.75 Miles



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES



SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5109

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5109

WATER RIGHT NUMBER: 63-5109

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CRAIG MARCUS 737 NORTH 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	BARRY MARCUS 737 NORTH 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	HORACE CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076
Original Owner	EARL CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076
Current Owner	C M LLC 737 N 7TH ST BOISE, ID 83702 (208) 342-3563

Priority Date: 04/26/1889

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
THORN CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/30/03	~~1.700 CFS~~	.46.
STOCKWATER	4/01 to 11/30/03	1.020 CFS	.02.
MINING	4/01 to 11/30	0.780 CFS	.78
<u>Total Diversion:</u>		~~1.500 CFS~~	1.26

Location of Point(s) of Diversion

THORN CREEK
BOISE County

NE1/4NE1/4

Sec. 30, Twp 05N, Rge 05E, B.M.

NWNE - Inj
NWNE - Red.

Place of UseIRRIGATION Within BOISE County

T05N R05E S30 NENE 35.014 NWNE - 9

Total Acres: 35

STOCKWATER Within BOISE County

T05N R05E S30 NENE NWNE.

MINING Within BOISE County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5109

T05N R05E S30 NENE

Conditions of Approval:

Remarks:

1. SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109.
CHANGE IN ADDITIONAL USAGE.
RECEIPT NUMBERS ARE W002924 AND W002922.
Ownership changed by DB 8/22/2001

Comments:

Dates and Other Information:

Claim Received Date: 5/22/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #1
POINT OF DIVERSION



PHOTO #2
POND BELOW POD AND
THE BEGINNING OF THE
DELIVERY DITCH

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #3
POU SOUTH OF CREEK



PHOTO #4
UPSTREAM MANNINGS
SITE

A63-5109

PHOTOS TAKEN 09/07/2001



PHOTO #5
DOWNSTREAM
MANNINGS SITE

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-10-2001

File Number: A63-5109

Claimant: CM LLC

Channel measured: DITCH BELOW POD AND POND.

Date of measurement: 9/7/2001

Measurement location:

50' TO 100' BELOW THE POND

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The channel cross section is 1.94 ft-sq.

The wetted perimeter is 3.49 feet.

The hydraulic radius is 0.56 feet.

The slope is 0.0043

The roughness coefficient is 0.0300

The flow velocity is 2.207 ft/sec.

The rate of flow is 4.29 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A63-5109

Name of Claimant(s): CM LLC

Name of Ditch, Canal, or Stream: ditch below POP pond

Date of Measurement: 9-7-01 Data Collected By: MS + TTT

Measurement Location: 1/4 1/4 Section T R

Cross Section Data

Basis: high water mark() maximum capacity(☒)

Note: minimum of five depth or rod readings; first and last must be equal or zero

<u>upstream</u>		<u>downstream</u>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	1. <u>0</u>	<u>0</u>
2. <u>.30</u>	<u>.5</u>	8. <u>.40</u>	<u>.5</u>
3. <u>.65</u>	<u>1.0</u>	9. <u>.60</u>	<u>1.0</u>
4. <u>.70</u>	<u>1.5</u>	10. <u>.75</u>	<u>1.5</u>
5. <u>.75</u>	<u>2.0</u>	11. <u>.80</u>	<u>2.0</u>
6. <u>.80</u>	<u>2.5</u>	12. <u>.80</u>	<u>2.5</u>
<u>.65</u>	<u>3.0</u>	<u>.65</u>	<u>3.0</u>
<u>.50</u>	<u>3.5</u>		

Slope Data

Basis: high water mark() channel bottom() land surface()

Level Readings: upstream downstream

upper stadia 4.90 5.30

center 4.62 5.065

lower stadia 4.325 4.84

channel
length

stadia difference (.575 + .46) x 100 = 103.5

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	✓	(1)	negligible	.000	✓	(1)
rock	.025	✓	(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
				SURFACE IRREGULARITY			
smooth	.000	✓	(1)	low	.005	✓	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
				VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	✓	(1)	minor	1.00	✓	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				



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

August 21, 2001

C-M LLC
737 N 7TH ST
BOISE ID 83702

Re: Notice of Claim to a Water Right No. 63-05109 & 63-05373

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB: db

Enclosure



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

August 15, 2001

BARRY MARCUS
737 NORTH 7TH STREET
BOISE, ID 83702

Re: Claim No(s) 63-5109

63-5373, 63-31074

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5109

WATER RIGHT NUMBER: 63-5109

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG MARCUS 737 NORTH 7TH ST BOISE, ID 83702 (208)342-3563
Current Owner	BARRY MARCUS 737 NORTH 7TH ST BOISE, ID 83702 (208)342-3563
Current Owner	HORACE CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076
Current Owner	EARL CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076

Priority Date: 04/26/1889

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
THORN CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/30	1.700 CFS	
STOCKWATER	4/01 to 11/30	1.020 CFS	
MINING	4/01 to 11/30	0.780 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

THORN CREEK	NE1/4NE1/4	Sec. 30, Twp 05N, Rge 05E, B.M.
BOISE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05E	30	35.0																35.0

Total Acres: 35

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5109

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

Total Acres: 0

MINING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X																

Total Acres: 0

Conditions of Approval:Remarks:

- General SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109.^^^ CHANGE IN ADDITIONAL USAGE.^^^ RECEIPT NUMBERS ARE W002924 AND W002922.^^^

Comments:Dates and Other Information:

Claim Received Date: 5/22/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EARL CHAPMAN C/O IDAHO CITY STAGE HC 33 BOX 1470 BOISE ID 83706 (208) 343-0076	04/26/1989	IRRIGATION STOCKWATER MINING	04-01 11-30 04-01 11-30 04-01 11-30	1.700 CFS 1.020 CFS 0.780 CFS	
TOTAL DIVERSION:					1.500 CFS	

C BARRY MARCUS
737 NORTH 7TH ST
BOISE ID 83702
(208) 342-3563

C HORACE CHAPMAN
C/O IDAHO CITY STAGE
HC 33 BOX 1470
BOISE ID 83706
(208) 343-0076

C CRAIG MARCUS
737 NORTH 7TH ST
BOISE ID 83702
(208) 342-3563

Water Source:	THORN CREEK	Tributary to:	MORES CREEK	Stage:	STATUTORY CLAIM
Point(s) of Diversion:	T05N R05E S30		WENE		BOISE County

Place of use Legal Description for: IRRIGATION																					
NE								NW				SW				SE					
T		R		S		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac	
05N		05E		30		:		35													
												TOTAL ACRES									
																35.0					
																35.0					

[illegible][illegible]

POU County: BOISE

Non-Irrigation Uses: S/20 RANGE\INDUSTRIAL\MINING\DOMESTIC

AJ5809NP
No. A63-05109

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 38

Other Rights: NONE

Remarks: GEN SEE ATTACHED COPY OF CLAIM OF WATER RIGHT NO. 63-5109.
CHANGE IN ADDITIONAL USAGE.
RECEIPT NUMBERS ARE W002924 AND W002922.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	C

OWNER CODE NAME & ADDRESS
C HORACE CHAPMAN
C EARL CHAPMAN
737 NORTH 7TH ST.
BOISE ID 83702

PRIORITY DATE
04/26/1889

WATER USE
IRRIGATION
STOCKWATER

USE PERIOD FROM TO
04/01 11/30
04/01 11/30

DIVERSION RATE
1,500 CFS
1,500 CFS

DIVERSION VOLUME
1,500 CFS

TOTAL DIVERSION: 1,500 CFS

C BARRY MARCUS
C CRAIG MARCUS

Water Source: THORN CREEK Tributary to: MORES CREEK Stage: STATUTORY CLAIM

Point(s) of Diversion: T05N R05E S30 NENE BOISE County

Place of use Legal Description for: IRRIGATION									
NE									
NW									
SE									
SW									
SUM									
SUM									
TOTAL ACRES									
35.0									
35.0									