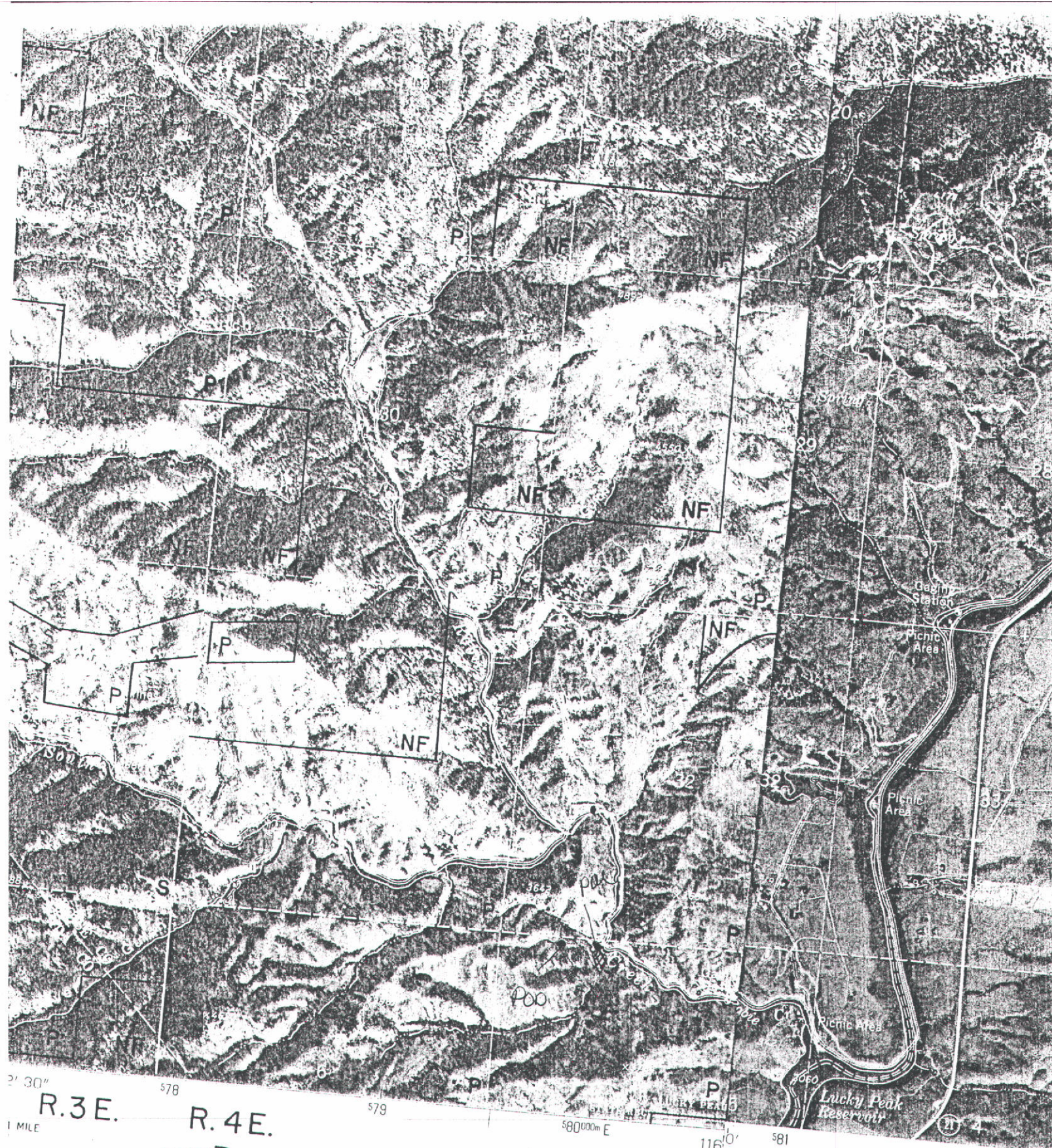




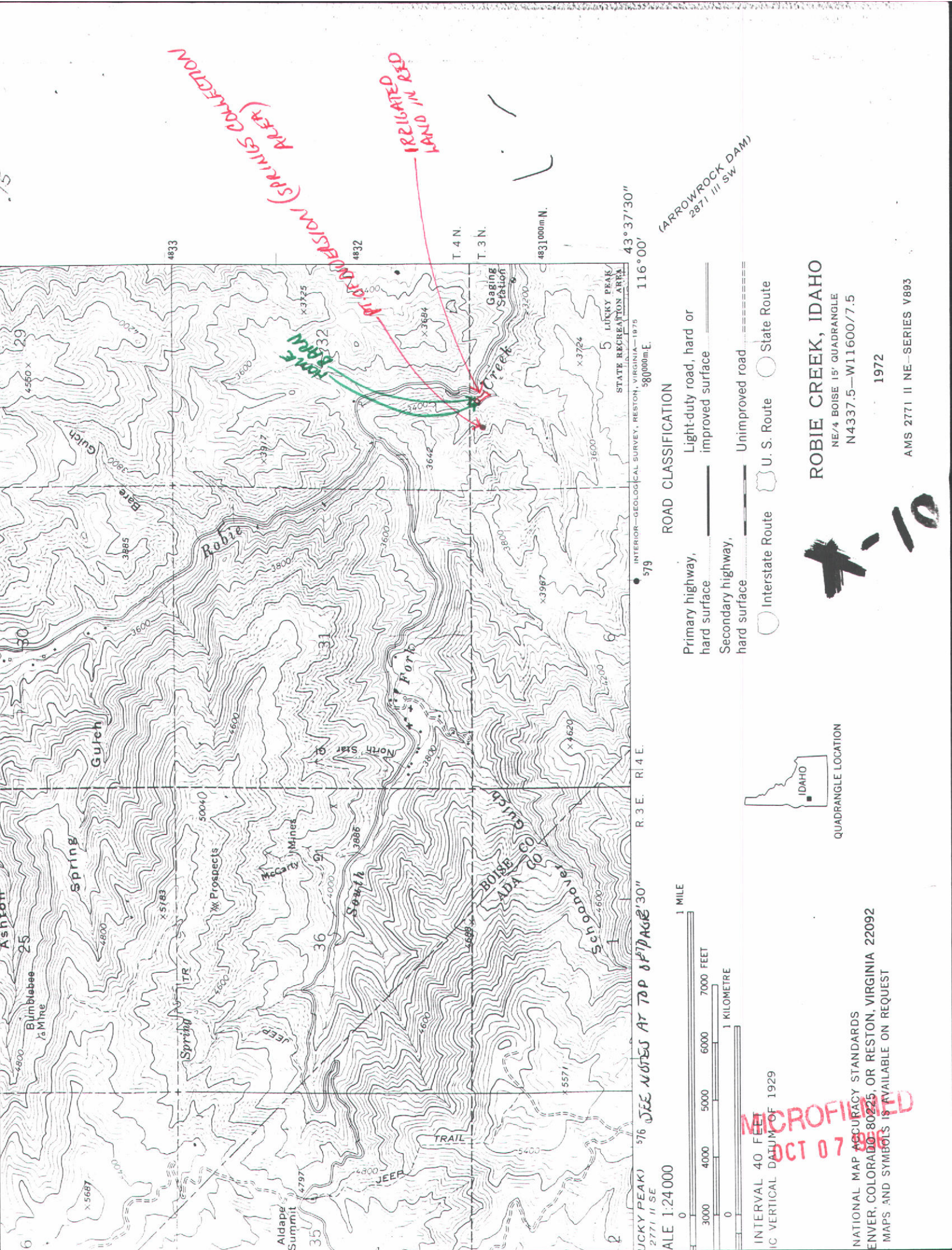
R.3E. R.4E.
T3N
Sec 5

2 Homes
5 Acres

Pd: NE, NW, NW
Pd: NE, NW

Produced by the Geological Survey
in cooperation with the State of Idaho
Aerophotograph prepared from 1:60,000-scale aerial
photographs taken August 1956.
Projected on a 1:60,000-foot grid ticks
also coordinate system, using the
Transverse Mercator
1:600-meter Universal Transverse Mercator grid ticks,
line 11, 1927 North American Datum
Photomicrography rectified by optical scanning
here double or micrometer

ROBIE CREEK, IDAHO
N4337.5-W11600/7.



MILLIONAIRES (SPRINGS COLLECTION) AREA

IRRIGATED LAND IN RED

(ARROW ROCK DAM)
2871 III SW

ROAD CLASSIFICATION

- Primary highway, hard surface
- Light-duty road, hard or improved surface
- Secondary highway, hard surface
- Unimproved road

- Interstate Route
- U. S. Route
- State Route

ROBIE CREEK, IDAHO

NE/4 BOISE 15' QUADRANGLE
N4337.5-W11600/7.5

1972

AMS 2771 II NE-SERIES V893

QUADRANGLE LOCATION



1 MILE

3000 4000 5000 6000 7000 FEET

1 KILOMETRE

INTERVAL 40 FEET
VERTICAL DATUM OF 1929

REPRODUCED
OCT 07 1980

NATIONAL MAP ACCURACY STANDARDS

ENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092

MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

43°37'30"

116°00'

380000m E

579

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1975

STATE RECREATION AREA

LUCKY PEAK

2771 II SE

SCALE 1:24000

576 JEE NOTES AT TOP OF PAGE 30"

576

576

576

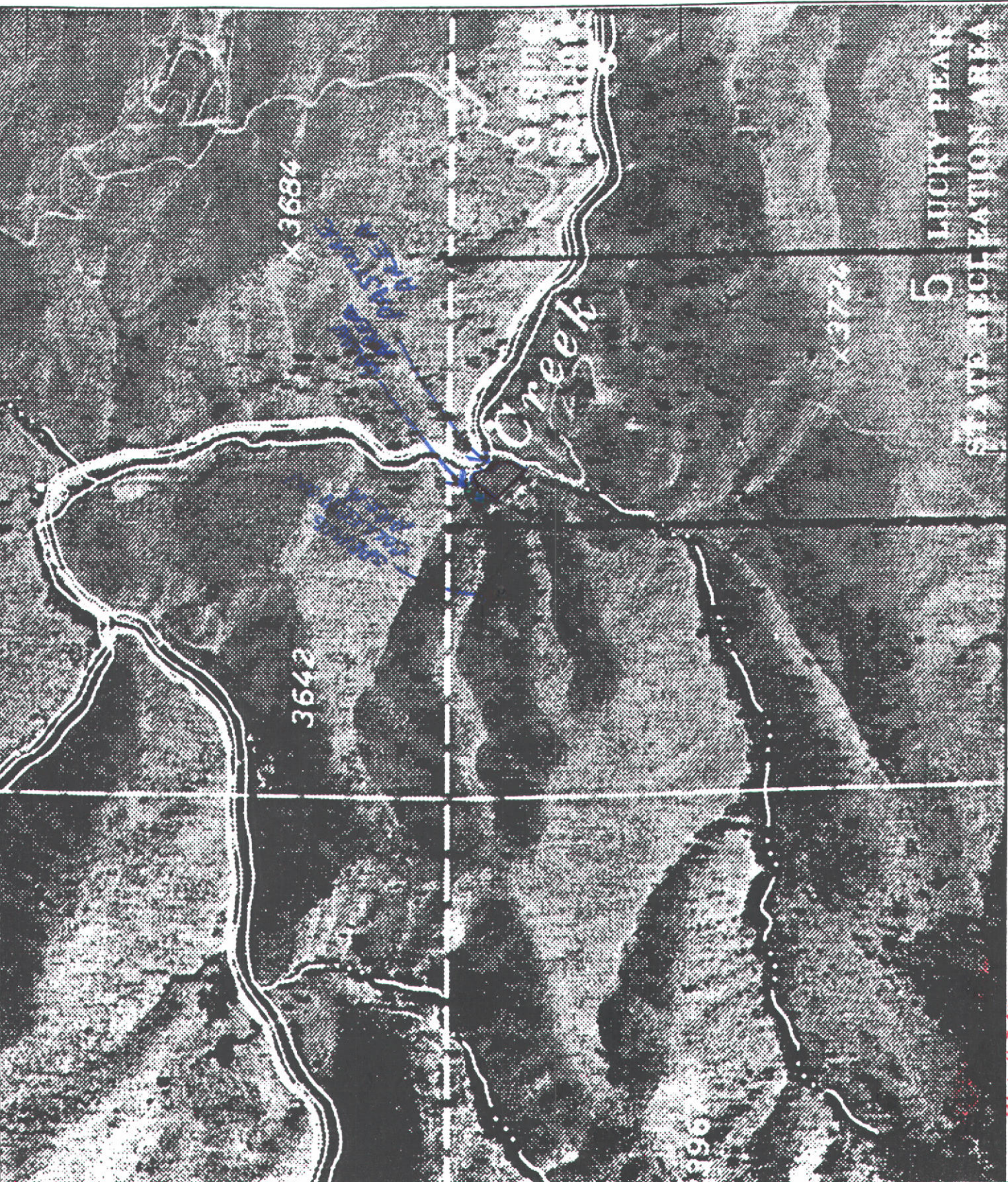
576

576

576

576

4832



LAWN AREA - .1 AC
(LESS THAN .1, BUT ROUNDED
UP TO THE 10TH)

PASTURE AREA - .6 AC
(MEAS. USING TEMPLATE
WITH 1/10TH ACRES INCREMENTS)

TOTAL - .7 AC

□ ← 1/10TH ACRES

4831000m N

579 07 1996

580000m E

116° 00'

43° 37' 30"

An aerial photograph of a mountainous region. A creek flows from the top center towards the bottom left. Handwritten blue ink annotations include "332" at the top left, "3642" in the center, "3684" near the top center, "3726" on the right, and "3961" at the bottom right. A dashed line runs vertically through the center. A horizontal line crosses the middle. The text "Creek" is written vertically along the waterway. The text "Lucky Peak State Recreation Area" is visible in the bottom right corner.

FILE

- PASTURE AREA STREAM ON WESTSIDE
- UNNAMED DRIVEWAY
- DASHED LINE IS DRIVEWAY UP TO HOMES

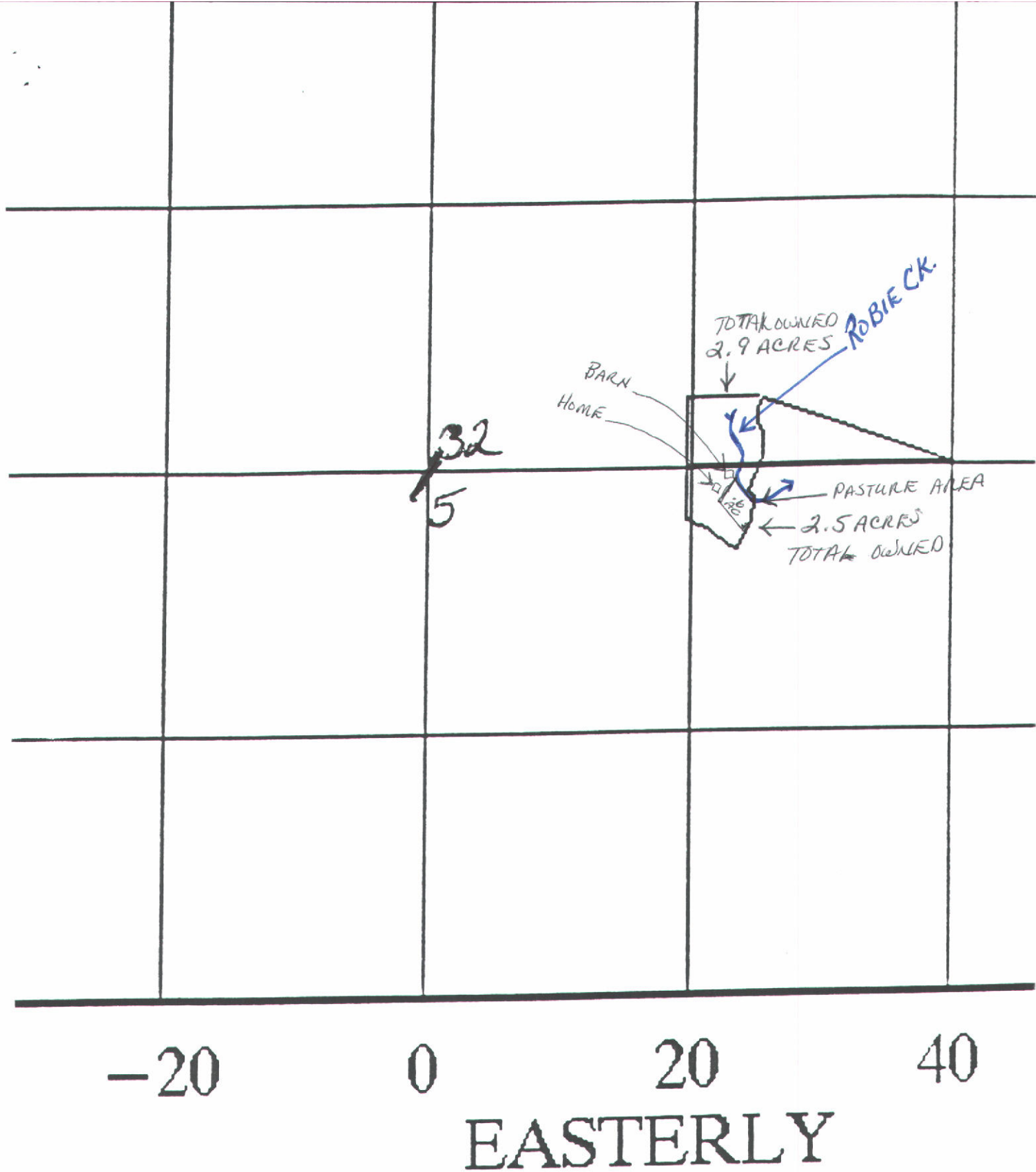
4831000m N

43° 37' 30"
116° 00'

580000m E

579

MICROFILMED
OCT 07 1996

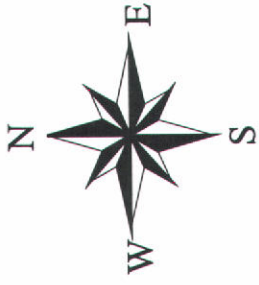


AREA PLOTTED USING METES & BOUNDS DESCRIPTION FOR JOE ANNEN.

MICROFILMED
OCT 07 1996

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

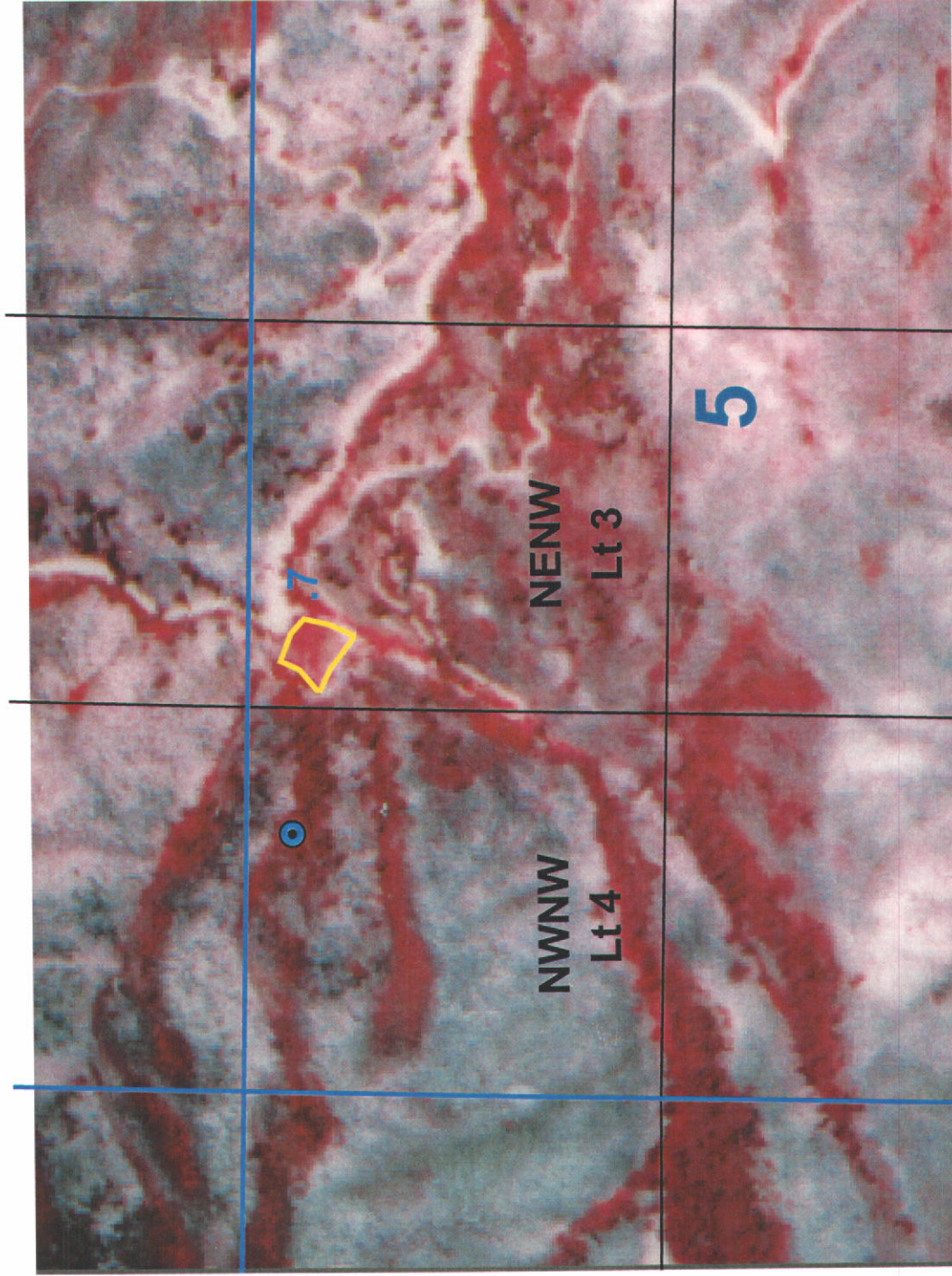
6 SECTION NUMBERS

CLAIM(S): 63-5161B

OWNER(S): ALLEN, JOSEPH

DATE: JUNE 8, 2001

by: Mel Schulte



0.75 Miles

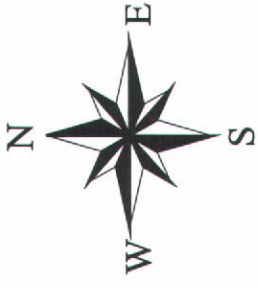
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

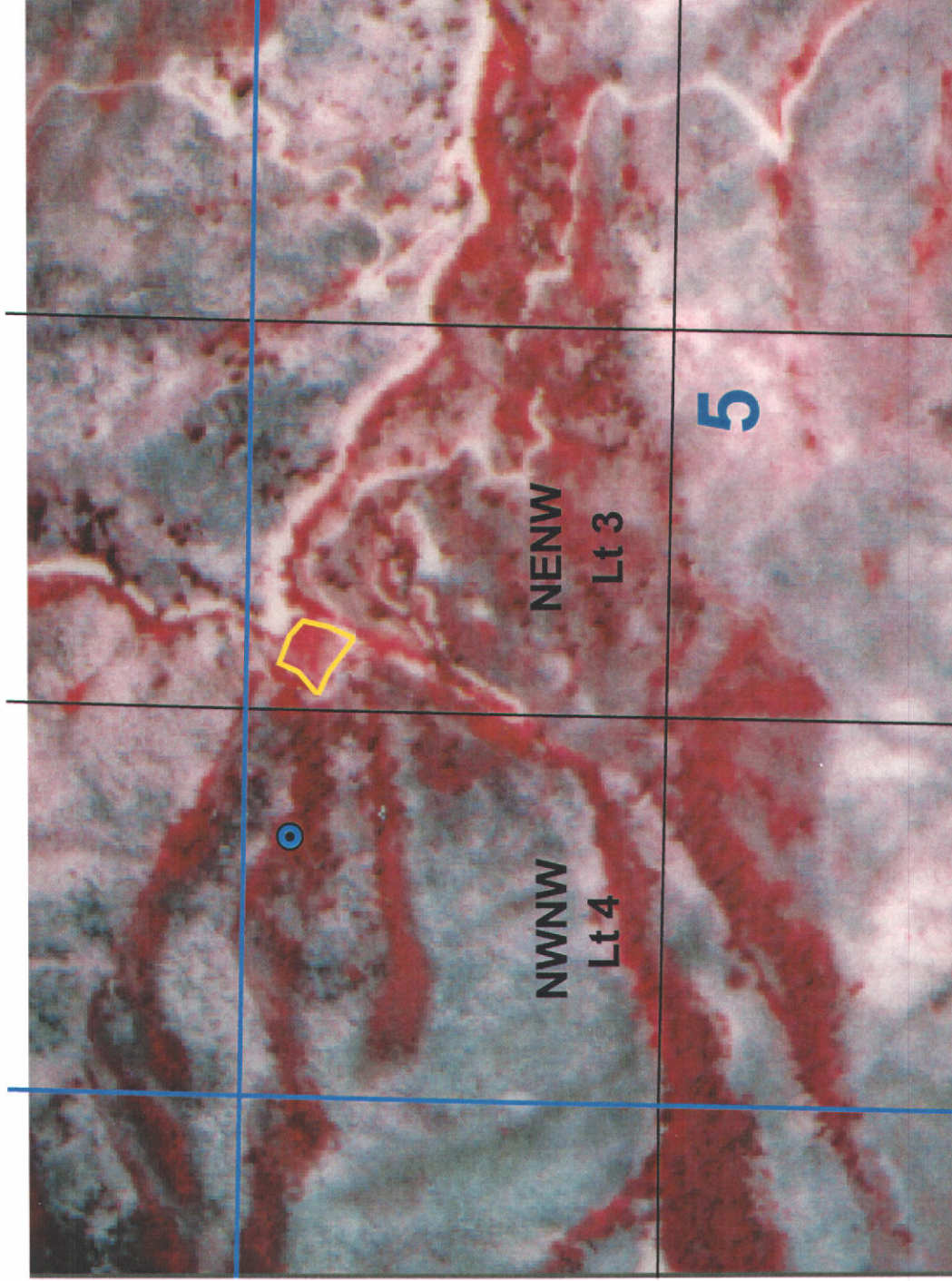
6 SECTION NUMBERS

CLAIM(S): 63-5161B

OWNER(S): ALLEN, JOSEPH

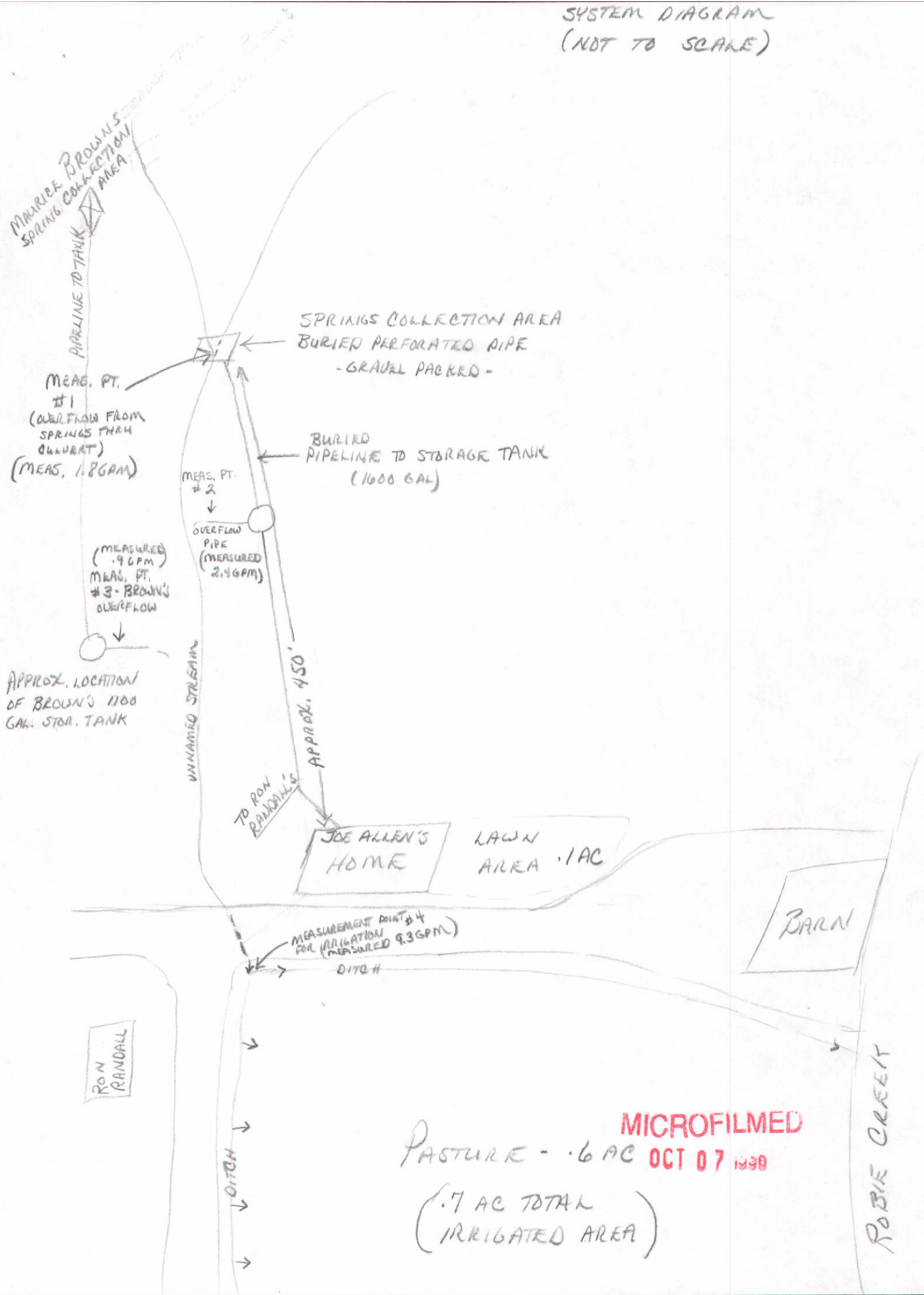
DATE: JUNE 8, 2001

by: Mel Schulte



0 0.25 0.5 0.75 Miles

SYSTEM DIAGRAM
(NOT TO SCALE)





HOME & LAWN AREA
 PICTURE TAKEN FACING SOUTH
 10-24-95 J



CONTINUED LAWN AREA
 PICTURE TAKEN FACING NORTH
 FROM PICTURE ABOVE
 10-24-95 J

MICROFILMED
 OCT 07 1996

CLAIM NO. A63-05161B

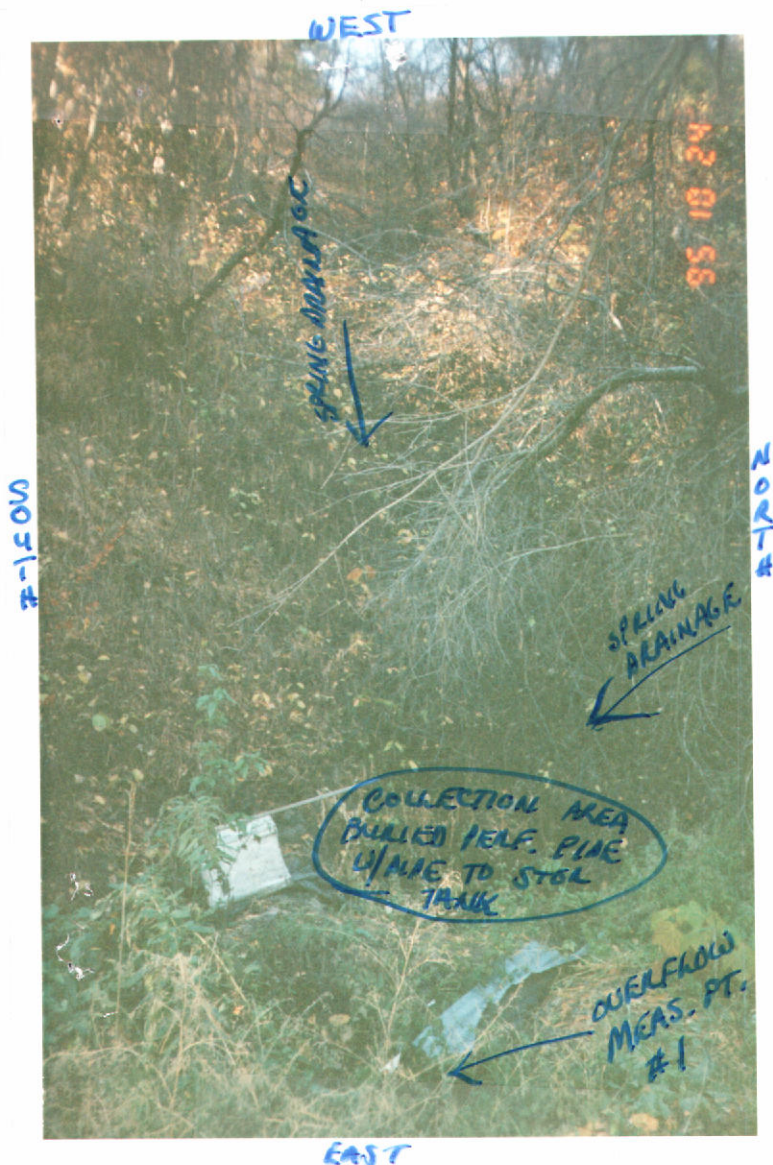


PICTURE TAKEN
10-24-95 J
THIS PICTURE
SHOWS THE OVER-
FLOW PIPE FROM
THE STOR. TANK
INTO THE UNN.
STREAM - MEAS.
POINT #2 (2.46PM)
NO WATER WAS BEING
USED AT THIS TIME,
SO OVERFLOW SHOULD
INDICATE WHAT WAS
FLOWING INTO TANK.



PICTURE TAKEN
10-24-95 J
THIS IS A PICTURE
TAKEN OF THE
HILLSIDE LOCATED
WEST OF MR. ALLEN'S
HOME. HE INDICATED
THAT THIS HILLSIDE
WAS IRRIGATED AT
ONE TIME, BUT THE
PIPE WAS DESTROYED
BY MUD & IRRIGATION
CEASED IN ABOUT 1987
OR 1988. TREES APPEAR
TO BE DEAD & DOES NOT
APPEAR TO HAVE BEEN
IRRIGATED FOR QUITE AWHILE

MICROFILMED
OCT 07 1996



PICTURE OF PT. OF DIVERSION
TAKEN 10-24-95 JS

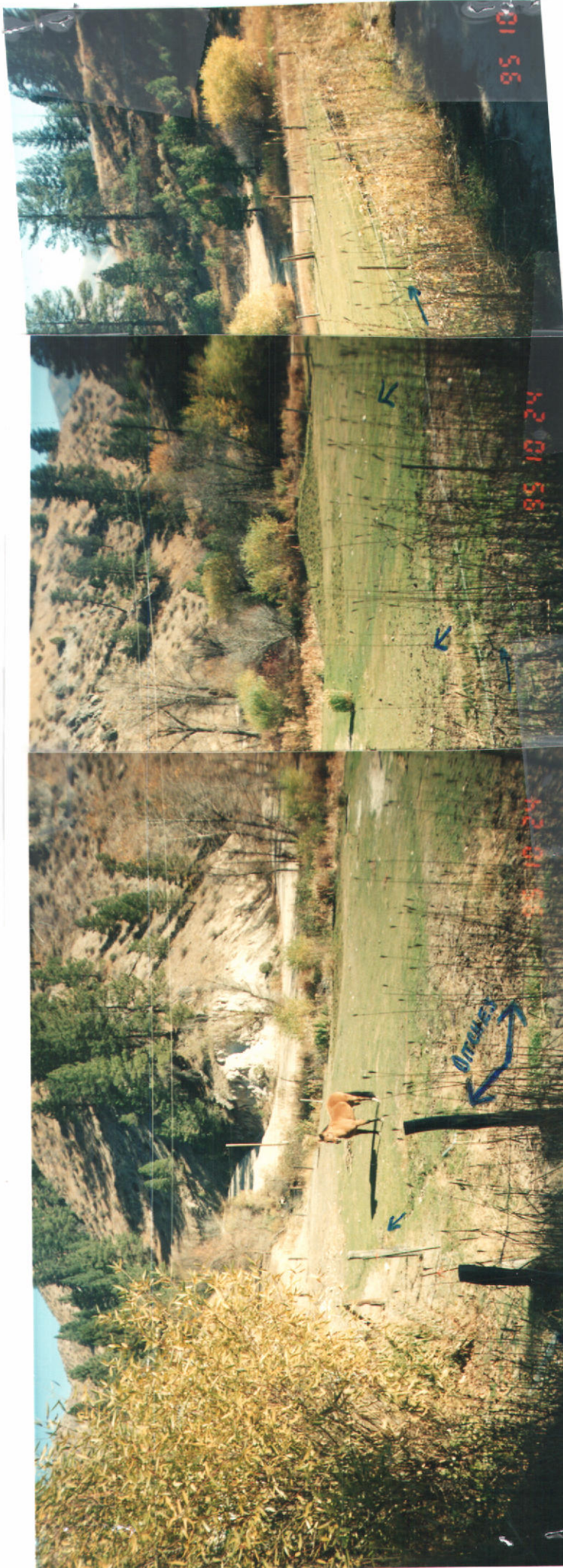
THIS PICTURE WAS TAKEN FACING
WEST ^{SOUTH &} LOOKING UPHILL FROM
THE SPRINGS CONNECTION AREA.
THE CIRCLED AREA IS WHERE
THE PERFORATED PIPE IS BURIED
& GRAVEL PACKED WITH A PIPE -
LINK TO THE STORAGE TANK.
THIS PICTURE SHOWS THE TWO
DRAINAGES FROM THE SOUTHWEST
& NORTHWEST WHICH JOIN AT THE
CONNECTION AREA. THE CORRUGATED
METAL PIPE IS THE OVERFLOW AND
WAS A MEAS. POINT. THE OVERFLOW
DUMPS INTO THE UNN. STREAM WHICH
FLOWS DOWNHILL TO THE POINT WHERE
IT IS DIVERTED FOR IRRIGATION OF THE
PASTURE AREA.

Picture of stor. tank taken 10-24-95
JR



1600 GAL. STOR. TANK
BELOW SPRINGS COLLEC-
TION AREA IN THE
ABOVE PICTURE. THE
UNN. STREAM IS SHOWN
FLOWING TO THE LEFT
OF STOR. TANK IN THIS
PICTURE. BURIED
PIPELINE FLOWS WATER
DOWNHILL FROM THIS
STOR. TANK TO BOTH
JOE AND US. RON
RANDALL'S HOME S.
OVERFLOW FROM THIS
TANK SHOWN IN NEXT PIC.

NORTH



SOUTH

MEASUREMENT POINT

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OCT 07 1996

PLACE OF USE FOR IRRIGATION
TAKEN 10-24-95 Jp
CHAIN NO. A63-05161B

WEST

SPRINGS & STORAGE TANK



NORTH

SOUTH

EAST

PICTURE TAKEN 10-24-95
Jp CLAIM NO. AL3-05161B

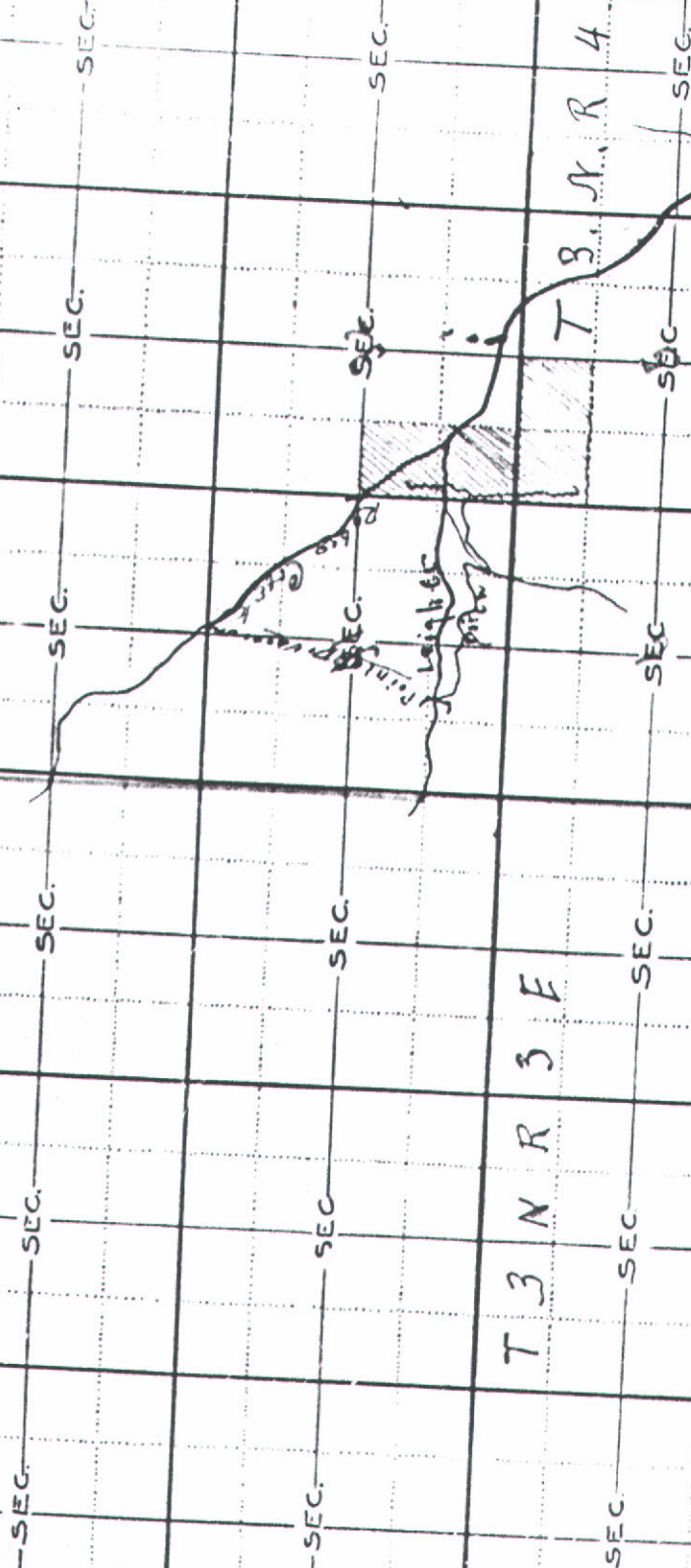
MICROFILMED
OCT 07 1996

P 8186

T 4 N R 4 E 3 M

T 3 N R 3 E

T 3 N R 4 E



MICROFILMED
OCT 07 1996

Name - Applicant

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: A63-05161B
Date Received: 5/ 9/1989
Receipt No: C006690
Received By: kw

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

1. Name: JOSEPH B ALLEN 208-336-0067
Address: HC 33 BOX 2032
BOISE ID 83706

2. Date of Priority: OCT 23, 1906

3. Source: SPRINGS Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04E	5	NE	NW	NW	4	BOISE

5. Description of diverting works:
HOLDING TANK, PIPELINE TO HOUSE, DITCHES FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	5	NE	NW	3	DOMEST	
			NE	NW	3	IRR	

5
MICROFILMED
OCT 07 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

THE BASIS OF THIS CLAIM IS THE STATUTORY CLAIM 63-05161 WHICH HAD GIVEN UNNAMED STREAMS AS THE SOURCE, WHEN IN ACTUALITY THE SOURCE IS AND WAS 2 SPRINGS WHICH WERE DEVELOPED BEFORE 1955.

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): Joseph B. Allen Date: July 11/95

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of July 19 95

Seal

Kathleen A. Walker
Notary Public

Residing at Eagle, Idaho

My Commission Expires 2-14-1999

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: **A63-05161B**
Date Received: 5/ 9/1989
Receipt No: C006690
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JOSEPH B ALLEN
Address: HC 33 BOX 2015
BOISE ID

208-336-0067

83706

2. Date of Priority: MAY 1, 1955

3. Source: SPRINGS

Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	04E	5	NE	NW	NW	4	BOISE

5. Description of diverting works:

CEMENT BOX PIPE TO HOLDING TANK, PIPED TO HOUSES, DITCHES TO IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.100		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:

0.180 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 2 HOUSE, SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	04E	5	NE	NW		DOMEST	
			NE	NW	3	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

THE BASIS OF THIS CLAIM IS THE STATUTORY CLAIM 63-05161 WHICH HAD
GIVEN UNNAMED STREAMS AS THE SOURCE, WHEN IN ACTUALITY THE SOURC
E IS AND WAS 2 SPRINGS WHICH WERE DEVELOPED BEFORE 1955.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 07 1996

ADJUDICATION MEMORANDUM

CLAIM NO: A63-05161B

SUBJECT: # change

EMPLOYEE: R. McElroy

DATE: 3-25-94

Number changed from A63-05161
to A63-05161B to reflect split;
A63-05161A already exists

MICROFILMED

OCT 07 1996

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

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

CIVIL CASE NUMBER: 39576

Renumbered: A63-05161B

Ident. Number: ~~A63-05161~~

Date Received: 5/ 9/1989

Receipt No: C006690

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH B ALLEN 208-336-0067
Address: HC 33 BOX 2015
BOISE ID 83706

2. Date of Priority: MAY 1, 1955

3. Source: SPRINGS Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04E	5	NE	NW	NW	4	BOISE

5. Description of diverting works:

CEMENT BOX PIPE TO HOLDING TANK, PIPED TO HOUSES, DITCHES TO IRRI

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.100		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:

0.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 2 HOUSE, SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	5	NE	NW		DOMEST	
			NE	NW	3	IRR	5.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

THE BASIS OF THIS CLAIM IS THE STATUTORY CLAIM 63-05161 WHICH HAD GIVEN UNNAMED STREAMS AS THE SOURCE, WHEN IN ACTUALITY THE SOURCE IS AND WAS 2 SPRINGS WHICH WERE DEVELOPED BEFORE 1955.

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: _____

MICROFILMED
OCT 07 1996

RECEIVED

JUL 08 1993

Department of Water Resources
Western Regional Office

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

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

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

[]	Signature of New Owner/Claimant(s)	<u>Joseph B. Allen</u>	Date <u>6/29/93</u>
[]	Signature of Former Owner/Claimant(s):	<u>Erna M. Hoover</u>	Date <u>6/29/93</u>

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

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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: A63-05161
Date Received: 5/10/1989
Receipt No: C006690
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERNA K. HOOVER 208-322-7703
Address: P.O. BOX 1564
BOISE, ID 83701

2. Date of Priority: MAY 01, 1955

3. Source: SPRINGS Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04E	5	NE	NW	NW	4	BOISE

5. Description of diverting works:
CEMENT BOX PIPE TO HOLDING TANK, PIPED TO HOUSES, DITCHES TO IRRI

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.100		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSE, SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	5	NE	NW		DOMEST	
			NE	NW	3	IRR	5.0
						Section Acres	5.0

A63-05161

Page 1

Date: 07/05/89

MICROFILMED
JUL 07 1996

10. Place of Use: Continued

Total Acres 5.0

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:

THE BASIS OF THIS CLAIM IS THE STATUTORY CLAIM 63-05161 WHICH HAD
GIVEN UNNAMED STREAMS AS THE SOURCE, WHEN IN ACTUALITY THE SOURC
E IS AND WAS 2 SPRINGS WHICH WERE DEVELOPED BEFORE 1955.

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 AND IN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05161

Date Received:

Receipt No: C006690

Received By: DM

RECEIVED
MAY 10 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERNA K. HOOVER 208-322-7703
Address: P.O. BOX 1564
BOISE, ID 83701

2. Date of Priority: MAY 01, 1955

3. Source: SPRINGS Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	04E	5	NE	NW	NW	4	BOISE

5. Description of diverting works:

CEMENT BOX PIPE TO HOLDING TANK, PIPED TO HOUSES, DITCHES TO IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.100		
DOMESTIC	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 2 HOUSE, SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	04E	5	NE	NW		DOMEST	
			NE	NW	3	IRR	5.0
						Section Acres	5.0

A63-05161

Page 1

Date: 04/24/89

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OCT 07 1996

10. Place of Use: Continued

Total Acres 5.0

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:

THE BASIS OF THIS CLAIM IS THE STATUTORY CLAIM 63-05161 WHICH HAD
GIVEN UNNAMED STREAMS AS THE SOURCE, WHEN IN ACTUALITY THE SOURC
E IS AND WAS 2 SPRINGS WHICH WERE DEVELOPED BEFORE 1955.

15. Basis of Claim: STATUTORY CLAIM

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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: 2

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): *[Signature]* Date: 4/24/89

Date: _____

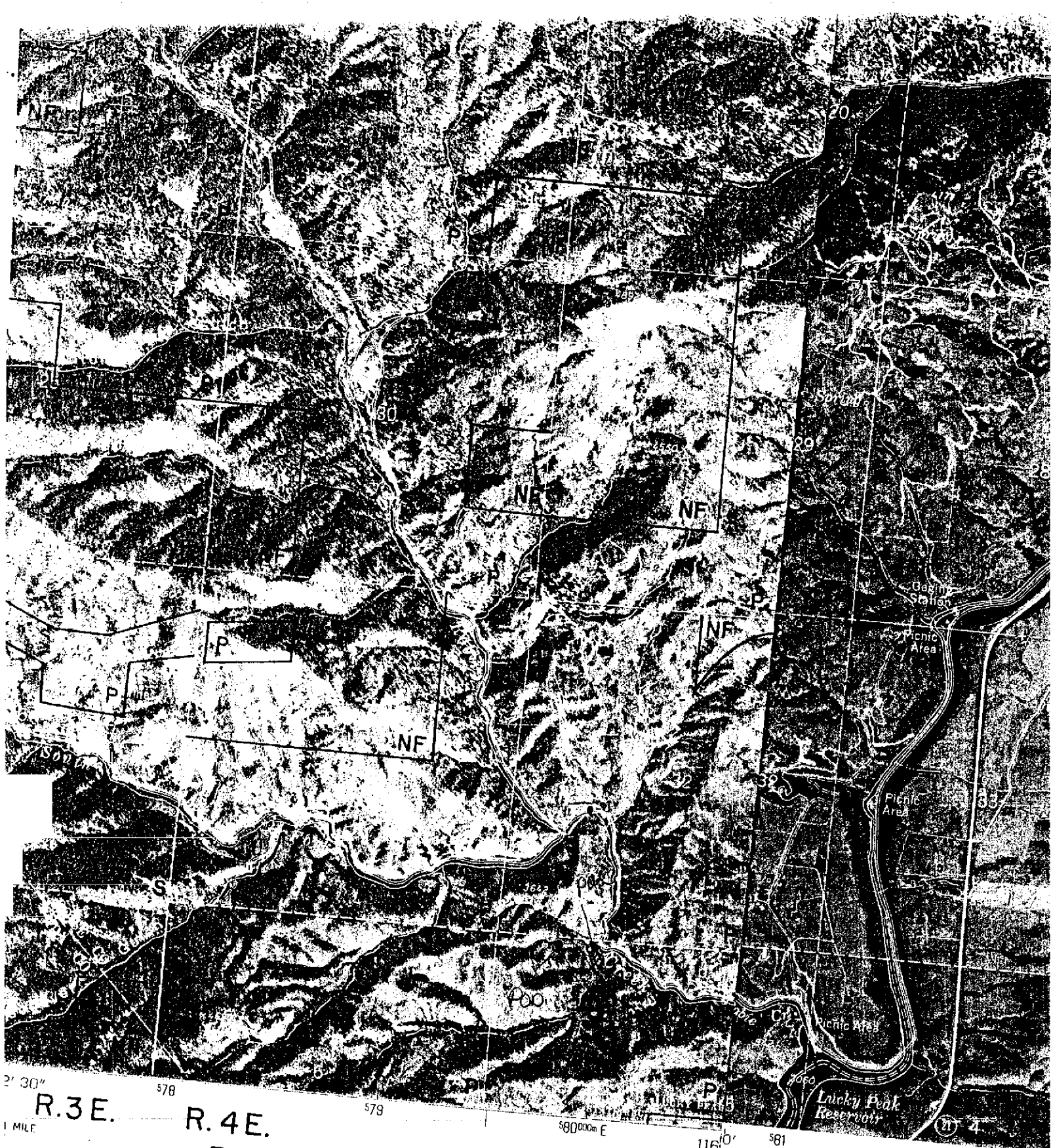
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of April 19 89

[Signature]
Notary Public

Seal

Residing at BOISE IDAHO
My Commission Expires 12/7 1994



2' 30" R.3E. R.4E.
T2N
Sec 5

2 Homes
5 Acres

POD: NE, NW, NW
POU: NE, NW

Produced by the Geological Survey
in cooperation with the State of Idaho
Aerial photograph prepared from 1:250,000-scale aerial
photographs taken August 1958.
Projection: Universal Transverse Mercator
Grid ticks: 1000-foot grid ticks
Coordinate system: Universal Transverse Mercator
Datum: 11. 1927 North American Datum
Photorectification: rectified by optical scanning
Scale: here double or misread

ROBIE CREEK, IDAHO
N4337.5-W11600/7.
1075

Water Right Number - 63-05161 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - -

*** C - CURRENT OWNER ***
HOOVER

LESTER

1 - P.O. BOX 1564
2 -
3 -
City- BOISE
Phone -
State- ID Zip- 83701

+ - - - - Priority Date - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +
05/01/1955 14 S - STATUTORY CLAIM
+ - - - - Source - - - - + + - - - - Tributary - - - - - + - - - -
UNNAMED STREAMS ROBBIE CREEK

+ - - - - TwN Rng Sec Tract Lot Rflg County Point of Diversion - - - - - Diversion Rate Diversion Volume
03N 04E 5 NW NW 4 (15) BOISE
04N 04E 32 NE SW (15) BOISE

+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 1.200
04 - STOCKWATER 01/01 12/31 0.020
43 - DOMESTIC 01/01 12/31 0.160

+ - - - - Total Div. Rate - + + - - - - - Total Div. Volume - + + - - - - - Total Div. Capacity - +
1.380

+ - - - - TwN Rng Sec Tract Lot Acres Code Description Place of Use - - - - - County
03N 04E 5 NE NW 3 40.0 01 IRRIGATION (15) BOISE
04N 04E 32 NW SW 20.0 01 IRRIGATION (15) BOISE

Total Acres: 60.0

+ - - - - Diversion Means - DITCH
+ - - - - Non-Irrigation Use - S/14 RANGE
+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - Remarks
No Remarks found.
- - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

MICROFILMED
OCT 07 1996

MICROFILMED
OCT 07 1996

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Cra K. Hoover

CLAIM IDENT. NO.

A63-05761

DATE-RECEIVED

5/10/89

CK #

AMOUNT \$ 53.00

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
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. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A
- Is the consumptive use correct? ☒ YES ☐ NO 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. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
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.) ☒ YES ☐ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be receipted and data entered? ☒ YES ☐ NO

Claim checked by:

Dore A. Schell

Date:

6/7/89

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

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

(Yes) ☐ (No) ☒

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

OCT 07 1996

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05161B

2004 SEP 24 PM 4:18

FILED
TWIN FALLS, IDAHO
JF-SRBA

NAME AND ADDRESS: DWAIN WRIGHT
LIZABETH WRIGHT
4 LARKSPUR LN
BOISE, ID 83716

SOURCE: SPRINGS TRIBUTARY: ROBBIE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 10/23/1906

POINT OF DIVERSION: T03N R04E S05 LOT 4 (NENWN) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.02 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER
DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED
FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM
OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S.
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND
ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO
STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE
OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL
BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE: Irrigation Within Boise County
T03N R04E S05 LOT 3 (NENW) 0.7
0.7 Acres Total

Domestic Within Boise County
T03N R04E S05 LOT 3 (NENW)

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

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

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).

DW
JH

08/12/2003

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

RIGHT NUMBER: 63-5161B

NAME AND ADDRESS: DWAIN WRIGHT
4 LARKSPUR LN
BOISE ID 83716

LIZABETH WRIGHT
4 LARKSPUR LN
BOISE ID 83716

SOURCE: SPRINGS

TRIBUTARY: ROBBIE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 10/23/1906

POINT OF

DIVERSION: T03N R04E S5 NENWNW Lot 4 Within BOISE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County

T03N R04E S05 Lot 3 NENW 0.7

DOMESTIC Within BOISE County

T03N R04E S05 Lot 3 NENW

0.7 ACRES TOTAL

DW
JH
S. J. 11/13

08/12/2003

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

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
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

DOMESTIC IS INTERNAL USE FOR 1 HOME

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

In Re SRBA)

Case No. 39576)

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

STANDARD FORM 1
OBJECTION RECEIVED

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

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

Name: See Attachment B
Address:

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

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

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

F.

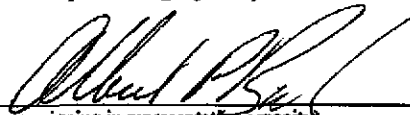
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

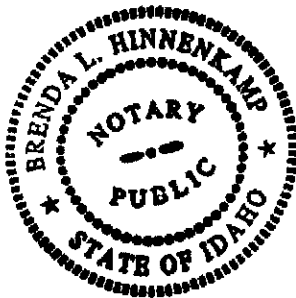
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: See Attachment B
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment A

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

ATTACHMENT D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

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

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

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

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

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

63-19B
Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057
Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174
Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397
Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332
Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408
Scott R Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B
Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97
L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378
Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124
Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319
Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548
James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677
Barry Marcus
737 N 7th St
Boise ID 83702

63-4071
Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C
Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A
Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173
Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320
David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125
State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454
Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D
Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310
Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-5161B
Dwaine Wright
Lizabeth Wright
4 Larkspur Lane
Boise, ID 83716

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

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

10/17/2002

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

RIGHT NUMBER: 63-5161B

NAME AND ADDRESS: DWAINE WRIGHT
4 LARKSPUR LN
BOISE ID 83716

LIZABETH WRIGHT
4 LARKSPUR LN
BOISE ID 83716

SOURCE: SPRINGS

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 10/23/1906

POINT OF DIVERSION:

T03N R04E S5 NENWNW Lot 4 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T03N R04E S05 Lot 3 NENW 0.7

DOMESTIC Within BOISE County

T03N R04E S05 Lot 3 NENW

0.7 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
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

DOMESTIC IS INTERNAL USE FOR 1 HOME

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

In Re SRBA

Case No. 39576

SUBCASE NO. 63-5161B

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

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

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

DATED: October 18, 2002

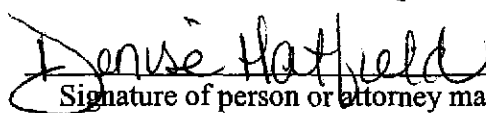


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 18, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Joseph B Allen
c/o Robert Allen
14 Allen Ln
Boise ID 83716
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Dwayne Wright
Lizabeth Wright
4 Larkspur Ln
Boise ID 83716
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

63-5161B

Joe's son -

Bob (+ Gail) Allen

14 Allen Lane

Bowse 83716

be submitted with this form:

actions for fee amounts.

THE POLICY, CONTRACT OF SALE or other legal document indicating your
s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

ify division of water rights or other complex property descriptions):
P clearly showing the location of the point(s) of diversion and place of use of your
(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)

Joseph B Allen - deceased
He 33 Box 2032

4. New Owner/Claimant(s)

Bowse, ID 83706

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

New Mailing Address

Dwayne Wright and Elizabeth Wright
4 Lakespur Lane Bowse, ID 83716

City, State and ZIP Code

New Telephone Number

208 343-4139

5. Date you acquired the property

2-21-02

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
163-5161B					

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)

Joseph B Allen - deceased
HC 33 Box 2032

4. New Owner/Claimant(s)

Bose, ID 83704

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

New Mailing Address

Dwayne Wright and Elizabeth Wright
4 Lakeside Lane Bose, ID 83714

City, State and ZIP Code

New Telephone Number

208 343-4139

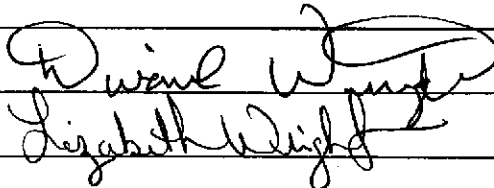
5. Date you acquired the property

2-21-02

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) _____
(include title if applicable) _____


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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

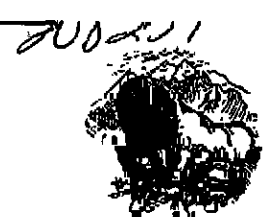
10-17-02

ATTN. RON
HOWERTON

334 2348

FAX COVER

PAGES: 3 (INCLUDING COVER)



A Pioneer Company
PIONEER TITLE COMPANY
8151 W. Rittenhouse Ave. Boise, Idaho 83704
(208) 377-2700

Instrument # 184741
IDAHO CITY, BOISE COUNTY, IDAHO
2002-02-27 04:13:09 No. of Pages: 2
Recorded for: PIONEER TITLE
RORA A. CANODY Fee: 6.00
Ex-Officio Recorder Deputy

RECORDING AND INSTRUMENT TYPE OR TYPE MARKING POINT OF BEGINNING

WARRANTY DEED

For Value Received Robert Allen, Personal Representative of the Estate of Joseph B. Allen, Deceased

hereinafter referred to as Grantor, does hereby grant, warrant and convey unto

Dwaine Wright and Elizabeth Wright, husband and wife



hereinafter referred to as Grantee, whose current address is 4 Larkspur Lane, Boise, ID 83716
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except: current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: February 20, 2002

Instrument # 185067
IDAHO CITY, BOISE COUNTY, IDAHO
2002-03-21 04:14:57 No. of Pages: 2
Recorded for: PIONEER TITLE
RORA A. CANODY Fee: 6.00

The Estate of Joseph B. Allen, Deceased

By: Robert Allen P.R.
Robert Allen, Personal Representative

STATE OF Idaho, County of Ada, ss.

On this 21st day of February, in the year of 2002, before me the undersigned, a notary public personally appeared Robert Allen, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Joseph B. Allen, Deceased and acknowledged to me that he/she/they executed the same as such Personal Representative.



Kathie Walker
Notary Public of Idaho



Residing at Boise

Commission

Expires

8-21-07

EXHIBIT A

A parcel of land located in the Northwest quarter of Section 5, Township 3 North, Range 4 East, and the Southwest quarter of Section 32, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho; more particularly described as follows:

Beginning at a $\frac{1}{2}$ " iron pipe with a brass screw and washer marking the Northwest corner of said Section 5; thence
North 89 degrees 48' 00" East 2619.42 feet along the North line of said Section 5 to a brass cap being the North quarter corner of said Section 5; thence
North 70 degrees 49' 48" West 1001.16 feet to an iron pin being on the centerline of a county road also being the **REAL POINT OF BEGINNING**; thence along said county road,
South 38 degrees 33' 53" West 51.98 feet to a point; thence
South 4 degrees 55' 18" East 84.83 feet to a point; thence
South 18 degrees 54' 28" East 54.46 feet to a point; thence
South 6 degrees 07' 36" East 99.70 feet to a point; thence
South 15 degrees 34' 36" West 66.44 feet to a point; thence
South 31 degrees 36' 58" West 48.14 feet to a point; thence
South 25 degrees 53' 37" West 43.94 feet to a point; thence
South 0 degree 51' 56" West 37.96 feet to a point; thence
South 39 degrees 45' 29" East 38.25 feet to a point; thence
South 75 degrees 26' 34" East 28.42 feet to a point on the centerline intersection of said county road and a private drive; thence along said centerline of said private drive
South 10 degrees 24' 40" West 125.73 feet to a point; thence
South 23 degrees 11' 32" West 75.67 feet to a point; thence
South 27 degrees 00' 31" West 65.48 feet to a point; thence
North 74 degrees 30' 22" West 40.18 feet to a point; thence
North 51 degrees 23' 36" West 101.16 feet to a point; thence
North 46 degrees 57' 51" West 40.19 feet to a point; thence
North 65 degrees 41' 01" West 39.31 feet to a point at the end of said centerline of said private drive; thence leaving said centerline of private drive
North 66 degrees 23' 35" West 80.09 feet to an iron pin; thence
North 0 degree 12' 00" West 594.96 feet to an iron pin; thence
North 89 degrees 48' 00" East 350.62 feet to the **REAL POINT OF BEGINNING**.

R.P.A.



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

October 18, 2002

DWAINE WRIGHT
LIZABETH WRIGHT
4 LARKSPUR LN
BOISE ID 83716

RE: Water Right No. 63-5161B

Dear Property Owner(s):

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

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

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: Joseph B Allen, c/o Robert Allen



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

October 15, 2002

DWAINE WRIGHT AND/OR
LIZABETH WRIGHT
4 LARKSPUR LANE
BOISE ID 83716

REF: CLAIM 63-5161B

Dear Water users:

This office has reviewed the attached **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning a copy of the Notice of Change of Ownership to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING AN X IN THE BLANK FOR THAT ITEM(S).**

_____ **There is no existing water right in our records either under the former owner's name or for the legal description given.** If, after further research, you find more information concerning a water right, such as a *water right number*, please contact us.

_____ **Legal description of property.** Please complete showing the legal description by ¼ ¼ (40-acre tract), Section, Township and Range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat.

_____ **It appears you received your water from an irrigation district, ditch company, municipality or community water company.** If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ **Name and address of former owner (seller).** This will clarify the original owner of the water right.

_____ **Name, address and phone number of new owner (purchaser).**

_____ **This change in ownership appears to result in a splitting of the water right.** A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by ¼ ¼ with the number of acres in each ¼ ¼ (if applicable) and the point of diversion by ¼ ¼, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. **Enclosed is a computer copy of this right for your review.**

 X **Proof of ownership is needed.** This proof can be a copy of the warranty deed, sales contract or tax assessment in your name, which includes a description of this property by ¼ ¼, Section, Township and Range.

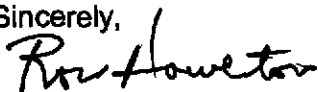
_____ Signature of new owner (purchaser) is needed on this form.

Other: _____

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed will remain in the original owner's name.

Feel free to contact this office if you have questions concerning this letter.

Sincerely,



Ron Howerton

Senior Water Right Agent

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 AIRPORT WAY

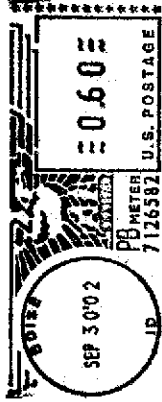
BOISE IDAHO, 83705-5082

Enclosures:

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

RECEIVED
OCT - 2 2002
Department of Water Resources

RECEIVED
OCT 09 2002
WATER RESOURCES
WESTERN REGION



NO SUCH
ADDRESS

JOSEPH B ALLEN
HC 33 BOX 032
BOISE ID 83706

Received

63-5161B

Change of ownership pending - (proof of ownership)
in file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

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

Dear Water Right Claimant(s):

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

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

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

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

Sincerely,

Karl J. Dreher
Director

Enclosures

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

238

02/28/2002

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-5161B

JOSEPH B ALLEN

HC 33 BOX 2032

BOISE ID 83706

Telephone Number: (208)336-0067

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

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

NEW OWNER - CHANGE CLAIM

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

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

DATE: 3-14-02

SIGNATURE:

Dwaine Wright *Lizabeth Wright*

Please print your name:

DWAINE WRIGHT LIZABETH WRIGHT

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

02/28/2002

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

RIGHT NUMBER: 63-5161B
NAME AND ADDRESS: JOSEPH B ALLEN
HC 33 BOX 2032
BOISE ID 83706

RECEIVED

MAR 18 2002

Department of Water Resources

SOURCE: SPRINGS TRIBUTARY: ROBIE CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 10/23/1906

POINT OF DIVERSION:

T03N R04E S5 NENWNW Lot 4 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County
T03N R04E S05 Lot 3 NENW 0.7
DOMESTIC Within BOISE County
T03N R04E S05 Lot 3 NENW

RECEIVED

MAR 19 2002

WATER RESOURCES
WESTERN REGION

0.7 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 DOMESTIC USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
DOMESTIC IS INTERNAL USE FOR 1 HOME

02/26/2002

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

RIGHT NUMBER: 63-5161B

NAME AND ADDRESS: JOSEPH B ALLEN
HC 33 BOX 2032
BOISE ID 83706

SOURCE: SPRINGS

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 10/23/1906

POINT OF DIVERSION:

T03N R04E S5 NENWNW Lot 4 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T03N R04E S05 Lot 3 NENW 0.7

DOMESTIC Within BOISE County

T03N R04E S05 Lot 3 NENW

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
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

DOMESTIC IS INTERNAL USE FOR 1 HOME

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

CLAIM NO(s). A03-5101B

1. ☐ No Change NAME IS SAME
☐ NEW OWNER: Joe Allen is deceased - waiting
☐ No Change ADDRESS
☐ NEW ADDRESS: To hear from son, Bob Allen, as to the status of the estate.
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: 10-23-1906
(If the priority date, based on your exam, seems questionable, explain below.)

See affidavit dated 7-11-95 & Written statement dated 7-14-95

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

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

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

* Use IRR From 3-15 To 11-15 Amount .02 CFS AFA
Use Domestic From To Amount .02 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 .02 CFS AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: 1 Stock # List types:

Additional comments:

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

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

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

* See measurements dated 10-14-95

C18, N10, N12.

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-14-95

FIELD EXAMINER: Jan Shulte

Print Name

Mel Schulte = "R" record
Signature

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A63-05161B

CONTACT PERSON: JOE ALLEN PHONE NUMBER: 208336-0067
DATE OF FIELD EXAM: 10/24/95 APPOINTMENT MADE: Y(☒) N(☐) TIME: 10:00 A(☒) P(☐)
ACCOMPANIED BY: JOE ALLEN PHONE NUMBER: () - -
RELATIONSHIP TO CLAIMANT: SAME

DIRECTIONS TO PROPERTY / NOTES:

ROBIE CREEK RD. APPROX. 8/10TH MILE PAST
THE STORE BY ROBIE CREEK PARK. TURN LEFT
ACROSS CREEK - ON THE RIGHT.

#4 Jackson Lane

MICROFILMED
OCT 07 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LESTER HOOVER P.O. BOX 1564 BOISE ID 83701	05/01/1955	IRRIGATION STOCKWATER DOMESTIC	04/01 10/15 01/01 12/31 01/01 12/31	1.200 CFS 0.020 CFS 0.160 CFS	
TOTAL DIVERSION:					1.380 CFS	

Water Source: UNNAMED STREAMS

Tributary to: ROBIE CREEK

Point(s) of Diversion:

T03N R04E S05 Lot 04C NW1/4
T04N R04E S32 NESW

Place of use Legal Description for: IRRIGATION									
NE									
T	R	S	NE	SE	SW	SE	SW	SE	SW
03N	04E	5	Lt	Ac	Lt	Ac	Lt	Ac	Lt
04N	04E	32	Lt	Ac	Lt	Ac	Lt	Ac	Lt
: 03-40									
: 20									
: 40.0									
: 20.0									
: 60.0									
TOTAL ACRES									

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

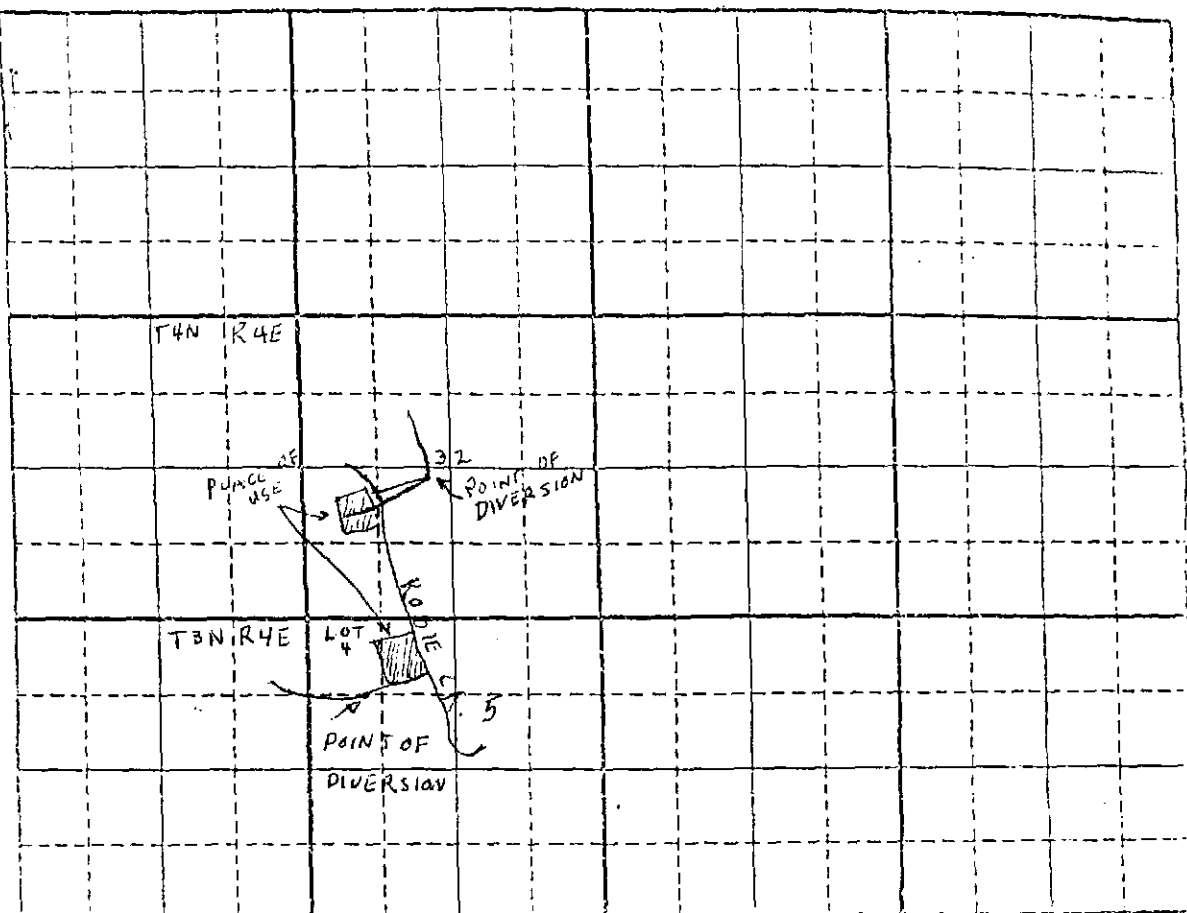
Pou County: BOISE

Dates: App. Received: 05/01/1955
Proof Due Date:
Exam Made Date:
Exam Sent to S.O.:

Misc: Water District Number: Field Exam Fee:

Audit: 09/26/83 05/01/88 CONVERT

18) Remarks



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 16 day of JUNE

1983

Notary Public
Residing at Boise, ID

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by AW Date 6/21/83
Filing, check by AW Date 6/23/83
\$30.00 fee received by AW Date 6/22/83
Published in Idaho Statesman
Dates 9/29/83 10/6/83

Forwarded to
claimant by: Date

MICROFILMED
OCT 07 1996

RECEIVED

AUG 24 1995

WATER RESOURCES
WESTERN REGION

Dear Joe Allen and To Whom It May Concern:

My uncle Elmer Gettys filed on the homestead springs above the house to the West, and the irrigation water from Robie Creek for the Hay Meadow 1/2 mile East of the homestead building. He filed on both springs and irrigation water in the real early 1900's.

I'm sorry I couldn't give you the actual date (Joe).

Yours truly,

Cyrus M. Gettys

Cyrus M. Gettys

Date: 7/14/95

MICROFILMED
OCT 07 1996

Boise 09245

4-1000-R.

RECEIVED

AUG 24 1995

WATER RESOURCES
WESTERN REGION

The United States of America,

Us all to whom these presents shall come. Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Elmer C. Gettys has been established and duly consummated, in conformity to law, for the east half of the southwest quarter of Section thirty-two in Township four north and the Lots three and four of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing one hundred sixty-eight and thirty-seven-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTEENTH

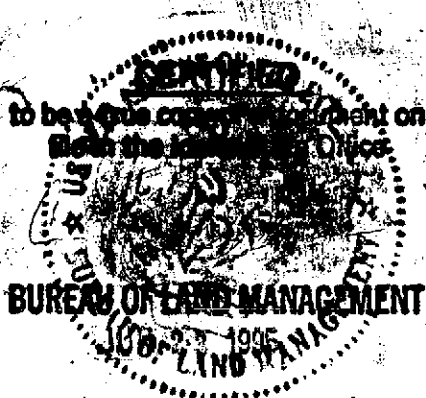
day of NOVEMBER in the year of our Lord one thousand nine hundred and SEVENTEEN and of the Independence of the

United States the one hundred and FORTY-SECOND

By the President:

By

Woodrow Wilson
M. O. L. R. E. S. E. L.
UCT 07 1995
John O. L. R. E. S. E. L.
Acting Recorder of the General Land Office.



RECORD OF PATENTS: Patent Number

607784

WATER RESOURCES
WESTERN REGION

MICROFILMED
OCT 10 1986 by *large*
\$6.00

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

A63-05161B)

State of Idaho)

County of Boise)

AFFIDAVIT

RECEIVED

JUL 11 1995

WATER RESOURCES
WESTERN REGION

_____ being first duly sworn,
deposes and says: _____

*I Joe B Allen talk to
Cyrus on Getty and He verified
priority Date of A63-05161B
as Oct/23/1906*

Joseph B. Allen
(Signature)

Subscribed and sworn to before me this
day 11th of July, 1995.

Kathlyn A. Walker
(Notary Public)

Residing at Eagle, Idaho

My Commission Expires OCT 07 1997

SEAL

Mr. Allen would
like field work
done on the spring
as soon as possible
to avoid future problems.

kw
7-11-95

BARGAIN AND SALE DEED

RECEIVED
JUL 11 1995
WATER RESOURCES
WESTERN REGION

THIS INDENTURE, Made the third day of October in the year of our Lord one thousand nine hundred and thirty between Elmer C. Gettys, a single man of Boise County of Ada, State of Idaho, the party of the first part, and W. W. White of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Twenty (\$20.00) Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part and to his heirs and assigns, forever, all those two certain springs situate, lying and being in the County of Boise, and State of Idaho, particularly described as follows, to-wit:

All the waters of those two certain springs situated on the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-two (32), in Township Four (4) North of Range Four (4) East of the Boise Meridian, which said springs are located about 150 West of the East boundary line of said above described eighty acre tract and about the middle of said tract on a north and south line together with the right of way necessary to convey the waters of said springs across the above described lands to the lands of the said party of the second part;

together with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Elmer C. Gettys (SEAL)

STATE OF IDAHO)
:SS
COUNTY OF ADA)

On this 3rd day of October in the year 1930, before me Luther W. Tennyson a Notary Public in and for said State, personally appeared Elmer C. Gettys, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Luther W. Tennyson
Notary Public for the State
of Idaho, residing at Boise
Idaho

STATE OF IDAHO)
COUNTY OF BOISE) SS

I hereby certify that this instrument was filed for record at request of W. W. White at 20 minutes past 2 o'clock P. M., this 29th day of October A. D. 1930 in my office and duly recorded in Book 45 of Deeds at page 502.

Katherine M. Brogan
Ex-Officio Recorder

By [Signature]
Deputy

WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM W. WHITE and G. JOSEPHINE WHITE, Husband and wife, the grantors, do hereby grant, bargain, sell and convey unto HARVEY M. BURNETT and MARTHA C. BURNETT, husband and wife, the grantees, the following described premises in Boise County, Idaho, to-wit:

Lot 4, Section 4;
 Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 North
 Range 4 East, B. H.
 S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29;
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31;
 W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 3 and 5, Section 32;
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, Township
 4 North, Range 4 East, B. H.

Together with all water, water rights, ditches
 and ditch rights thereunto belonging, including
 all water rights that have been established
 and used pertaining to the said property flowing
 from Ruby Creek and all other sources.

EXCEPTING THEREFROM THE FOLLOWING:

The E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Government
 Lot 1, all in Section 5, T. 3 N., R. 4 E., B. H.,
 Boise County, Idaho.

All that portion of Government Lot 4 in Section
 4, of said township and range lying Southwesterly of
 a line described as follows: Beginning at a point
 on the West line of said Section 4, said point lying
 900 feet South of the Northwest corner thereof; thence
 South 41° 30' East to the south line of said Lot 4 and
 a point of terminus of the above described line.

ALSO EXCEPTING THE FOLLOWING: All that portion of the
 S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N., R. 4
 E.B.M., and government Lot 4 in Section 4, T. 3 N., R.
 4 E.B.M., Boise County, Idaho, lying East of a line
 described as follows: Commencing at the NW corner of
 said Section 4; thence South along the West line of
 Section 4 a distance of 900 feet; thence South 41° 30'
 East to the South line of said Lot 4; thence East
 along the south line of said Lot 4 a distance of 710
 feet to the true point of beginning; thence North
 16° 15' West to a point on the south line of the
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence west along said
 south line a distance of 100 feet; thence North
 parallel to the west line of said Section 33 to
 the North line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section
 33 and point of terminus of the above described
 line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs
 and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are
 the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant
 and defend the same from all lawful claims whatsoever.

Dated: Delivered in escrow this 4th day of June, 1964.

William W. White
 G. Josephine White

STATE OF IDAHO,)
 COUNTY of Boise)ss

On this 4th day of June, 1964, before me, the undersigned, a Clerk of the District Court in and for said
 State, personally appeared William W. White and G. Josephine White, husband and wife, known 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.

SEAL Katherine H. Brogan
 Ex-Offi
 Clerk District Court

STATE OF IDAHO,)
 COUNTY of Boise)ss

hereby certify that this instrument was filed for record at no min. past 10 o'clock A. M., this 30 day of
 me, A. D. 1967, in my office, and duly recorded in Book 58 of Deeds at page 522.

Katherine H. Brogan
 Ex-Officio Recorder

By *[Signature]*
 Deputy

7/1/50
 1472 14780

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That HARVEY H. BURNETT of Boise, County of Ada, and MARTHA C. BURNETT, his wife, of Boise, County of Ada, State of Idaho, parties of the first part, for and in consideration of the sum of TWENTY NINE THOUSAND FIVE HUNDRED AND NO/100ths DOLLARS, in lawful money of the United States of America, and other valuable consideration, to them in hand paid by DEMAR C. BURNETT and SHARON J. BURNETT of Boise, Boise County, Idaho, hereinafter called parties of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second parties, all of the following described property situate, lying and being in the County of Boise, State of Idaho, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 32, and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 4 East, Boise Meridian; and Lot 1, Section 5, and Lot 4, Section 4, Township 3 North, Range 4 East, Boise Meridian; EXCEPTING THEREFROM THE FOLLOWING:

(1) E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Government Lot 1, all in Section 5, Township 3 North, Range 4 East, Boise Meridian.

(2) That portion of Government Lot 4 in Section 4, Township 3 North, Range 4 East, Boise Meridian, lying Southwesterly of a line described as follows:

Beginning at a point on the West line of said Section 4, said point lying 900 feet South of the Northwest corner thereof; thence S. 41° 30' E. to the South line of said Lot 4 and a point of terminus of the above-described line.

(3) All that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N., R. 4 E.B.M., and the Government Lot 4 in Section 4, T. 3 N., R. 4 E.B.M., lying East of a line described as follows:

Commencing at the Northwest corner of said Section 4; thence South along the West line of Section 4 a distance of 900 feet; thence S. 41° 30' E. to the South line of said Lot 4; thence East along the South line of Lot 4 a distance of 710 feet to the true point of beginning; thence N. 16° 15' W. to a point on a South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence West along said South line a distance of 100 feet; thence North parallel to the West line of said Section 33 to the North line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33 and point of terminus of the above-described line.

(4) Land lying Southwest of county road in E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 32, Township 4 North, Range 4 East, Boise Meridian.

(5) A tract of land lying in Government Lot 1, Section 5, T. 3 N., R. 4 E.B.M., more particularly described as follows:

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to rights to 3.0 c.f.s. of the waters of Hore's Creek with a priority of October 23, 1906. Beginning at a point on the South line of said Lot 1, said point being at the North-South centerline of said Lot 1; thence Northerly and parallel with the West line of said Lot 1, to the Southeast corner of the Northeast quarter of the Southwest quarter of said Government Lot 1; thence Westerly and parallel with the South line of the West line of said Lot 1, to the South line thereof; thence Easterly along the South line of said Government Lot 1, to the point of beginning.

Together with all irrigation equipment of every kind and character and replacements thereof and additions thereto, including but not limited to pumps, pipe, electrical panels and sprinkler irrigation systems and accessories to each.

Subject to exceptions and reservations contained in patents from the United States.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to right of way, as described in the instrument in favor of the State of Idaho, recorded August 15, 1914, in Book 38 of Deeds at page 44, records of Boise County, Idaho.

Subject to the transmission line easement in favor of the Idaho Power Company, as disclosed by the instrument recorded August 2, 1948, in Book 11 of Miscellaneous Records at page 600, records of Boise County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the parties of the second part, as community property, and to the heirs and assigns of the second parties forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the parties of the second part, and with the heirs and assigns of second parties, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 29th day of June, 1967.

Harvey H. Burnett
Martha C. Burnett

#SEAL#
#SEAL#

STATE OF IDAHO,) ss
COUNTY of Blaine ADA)

On this 29th day of June, 1967, before me, a Notary Public in and for said County and State, personally appeared Harvey H. Burnett and Martha C. Burnett, his wife, to me known to be the identical individuals described in and who executed the within and foregoing instrument and whose names are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

SEAL Ruth Stull Deasley
Notary Public in for the State of
Idaho, residing at Boise, Idaho
My commission expires: 8-30-1970

Recorded in Blaine County, Idaho on June 30, 1967 in Book 58 of Deeds at page 523.

Katherine M. Brogan
Ex-Officio Recorder

By Graham Mathis
Deputy

Fee \$2.25

WARRANTY DEED

For Value Received JOEANN PATRICK, A WIDOW,

The grantor does hereby grant, bargain, sell and convey unto DAVID G. JENSEN AND RITA N. JENSEN, HUSBAND AND WIFE, AS JOINT TENANTS

the grantee, whose current address is HC 33, BOX 1162-OFF BURNETT DRIVE, BOISE, IDAHO 83706

the following described premises, in BOISE County Idaho, to-wit:

Lot 2, Amended Plat of a portion of the Ranch Subdivision No. 3, according to the official plat thereof, filed as Instrument No. 82781, records of Boise County, Idaho.

BOISE COUNTY IDAHO SS
REQUEST OF

Security Title
DATE 94 DEC 15 PM 3:34 M.

154431

Rita A. Canady
Shirley Genge
3.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, that she is the owner in fee simple of said premises; that they are free from all incumbrances EXCEPT: current years taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 7, 1994

Joe Ann Patrick
JOEANN PATRICK

STATE OF IDAHO, COUNTY OF Ada
On this 7th day of December, 19 94,
before me, a notary public in and for the said State, personally
appeared JoeAnn Patrick

known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that she executed the same.

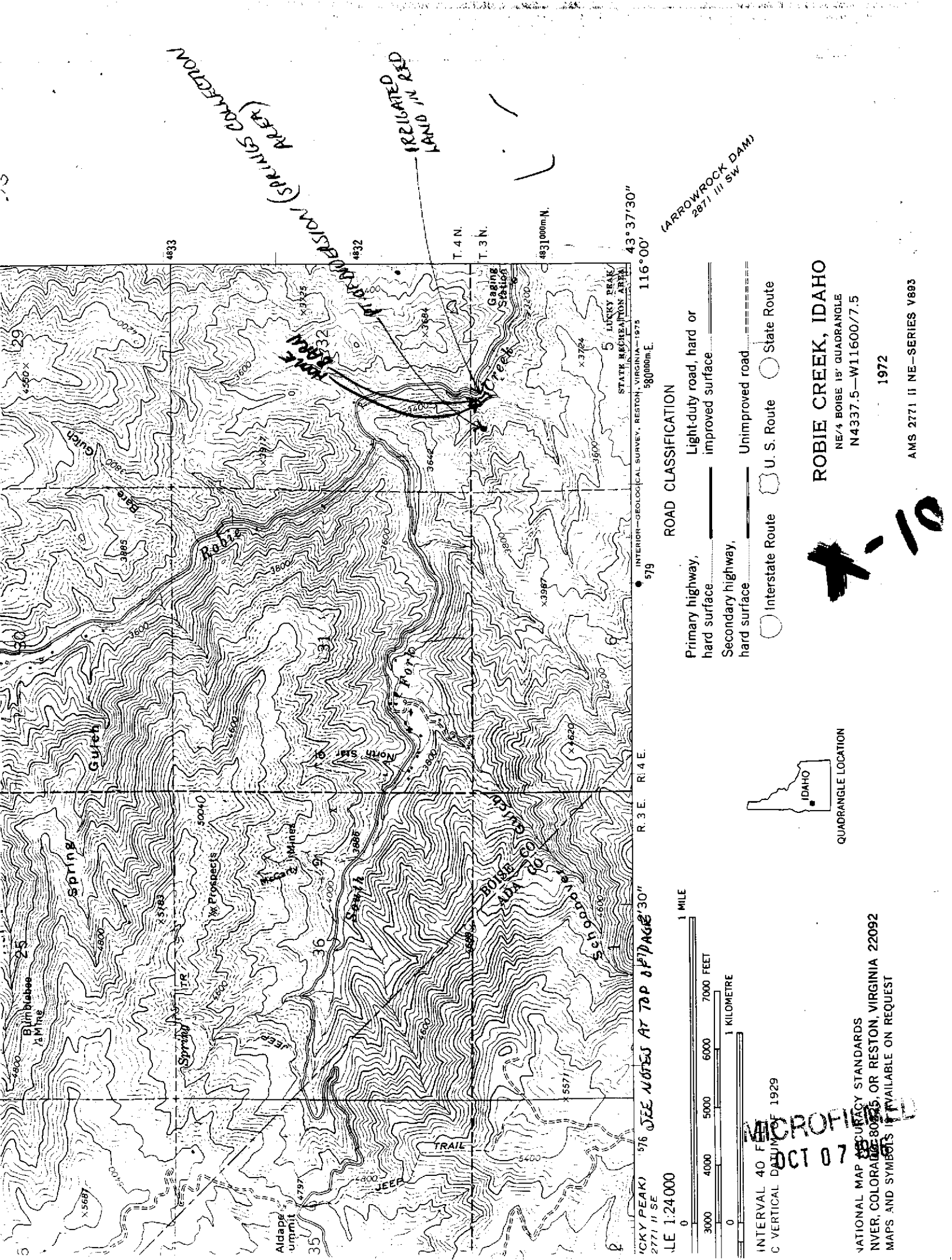
[Signature]
Notary Public
Residing at Boise, Idaho
Comm. Expires 7/15/98

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at Page _____

Ex-Officio Recorder
By _____ Deputy.

Fees \$
Mail to:



SPRINGS COLLECTION (SHEAR)

IRRELATED LAND IN RED

ARROW ROCK DAM
2871 III SW

ROAD CLASSIFICATION

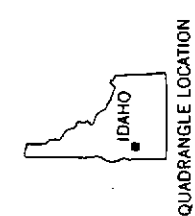
- Primary highway, hard surface
- Light-duty road, hard or improved surface
- Secondary highway, hard surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

ROBIE CREEK, IDAHO

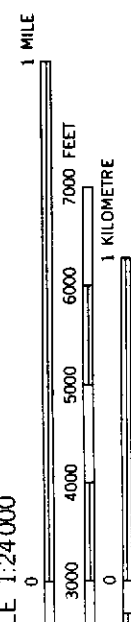
NE/4 BOISE 15' QUADRANGLE
N4337.5-W11600/7.5

1972

AMS 2771 II NE-SERIES V893



QUADRANGLE LOCATION

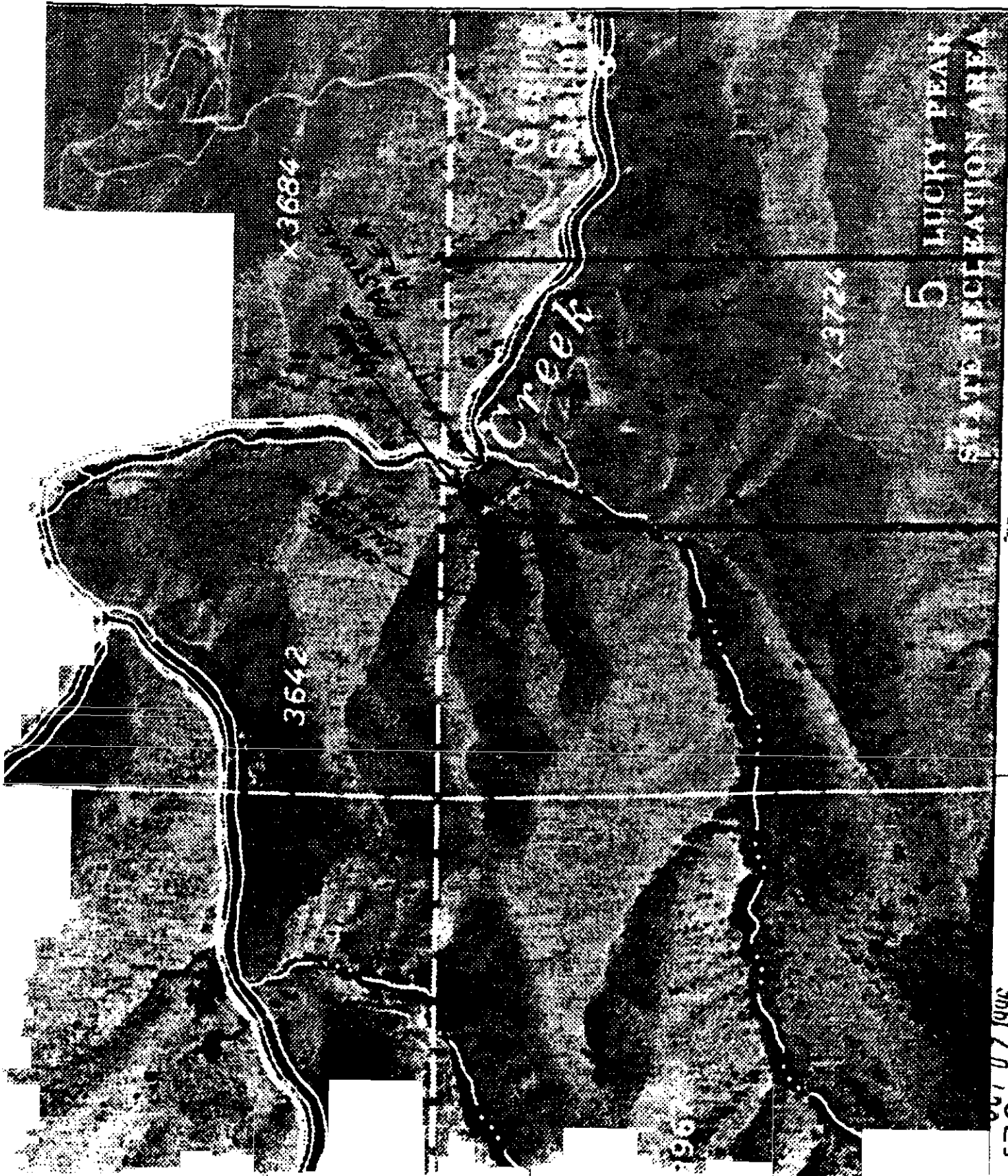


INTERVAL 40 FEET
C VERTICAL DATUM 1929

NOV 07 1972

NATIONAL MAP ACCURACY STANDARDS
NVER, COLORADO 80005 OR RESTON, VIRGINIA 22092
MAPS AND SYMBOLS AVAILABLE ON REQUEST

4832



LAWN AREA - .1 AC
(LESS THAN .1, BUT ROUNDED
UP TO THE 10TH)

PASTURE AREA - .6 AC
(MEAS. USING TEMPLATE
WITH 1/10TH ACRE INCREMENTS)

TOTAL - .7 AC

□ ← 1/10TH ACRE

4831000m N

579 07 1996

580000m E

43° 37' 30"
116° 00'

4832

BARN

PASTURE

AREA STREAM
UNNAMED ON WEST SIDE
DRIVEWAY
DASHED LINE
IS DRIVEWAY
UP TO HOMES

4831000m N

43° 37' 30"

116° 00'

580000m E

579

5 LUCKY-PEAK
STATE RECREATION AREA

MICROFILMED
OCT 07 1996

LEGAL DESC. OF PROPERTY OWNED BY JOE ALLEN
IN SECTIONS 5 & 32

RECEIVED

AUG 24 1995

WATER RESOURCES
WESTERN REGION

RCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH,
RANGE 4 EAST, AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 4 EAST,
3E MERIDIAN, BOISE COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2" IRON PIPE WITH A BRASS SCREW AND WASHER MARKING THE NORTHWEST
CORNER OF SAID SECTION 5; THENCE
NORTH 89 48'00" EAST 2619.42 FEET ALONG THE NORTH LINE OF SAID SECTION 5 TO A BRASS CAP
BEING THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE
NORTH 70 49'48" WEST 1001.16 FEET TO AN IRON PIN BEING ON THE CENTERLINE OF A COUNTY ROAD
ALSO BEING THE REAL POINT OF BEGINNING; THENCE, ALONG SAID COUNTY ROAD,
NORTH 38 33'53" WEST 51.98 FEET TO A POINT; THENCE
NORTH 4 55'18" EAST 84.83 FEET TO A POINT; THENCE
NORTH 18 54'28" EAST 54.46 FEET TO A POINT; THENCE
NORTH 6 07'36" EAST 99.70 FEET TO A POINT; THENCE
NORTH 17 34'36" WEST 66.44 FEET TO A POINT; THENCE
NORTH 31 36'58" WEST 48.14 FEET TO A POINT; THENCE
NORTH 25 53' 37" WEST 43.94 FEET TO A POINT; THENCE
NORTH 0 51'56" WEST 37.96 FEET TO A POINT; THENCE
NORTH 39 45'29" EAST 38.25 FEET TO A POINT; THENCE
NORTH 75 26'34" EAST 28.42 FEET TO A POINT ON THE CENTERLINE INTERSECTION OF SAID COUNTY
ROAD AND A PRIVATE DRIVE; THENCE ALONG SAID CENTERLINE OF SAID PRIVATE DRIVE
NORTH 10 24'40" WEST 125.73 FEET TO A POINT; THENCE
NORTH 23 11'32" WEST 75.67 FEET TO A POINT; THENCE
NORTH 27 00'31" WEST 65.48 FEET TO A POINT; THENCE
NORTH 74 30'22" WEST 40.18 FEET TO A POINT; THENCE
NORTH 51 23'36" WEST 101.16 FEET TO A POINT; THENCE
NORTH 46 57'51" WEST 40.19 FEET TO A POINT; THENCE
NORTH 65 41'01" WEST 39.31 FEET TO A POINT AT THE END OF SAID CENTERLINE OF SAID PRIVATE
DRIVE; THENCE, LEAVING SAID CENTERLINE OF PRIVATE DRIVE
NORTH 66 23'35" WEST 80.09 FEET TO AN IRON PIN; THENCE
NORTH 0 12'00" WEST 594.96 FEET TO AN IRON PIN; THENCE
NORTH 89 48'00" EAST 350.62 FEET TO THE REAL POINT OF BEGINNING.

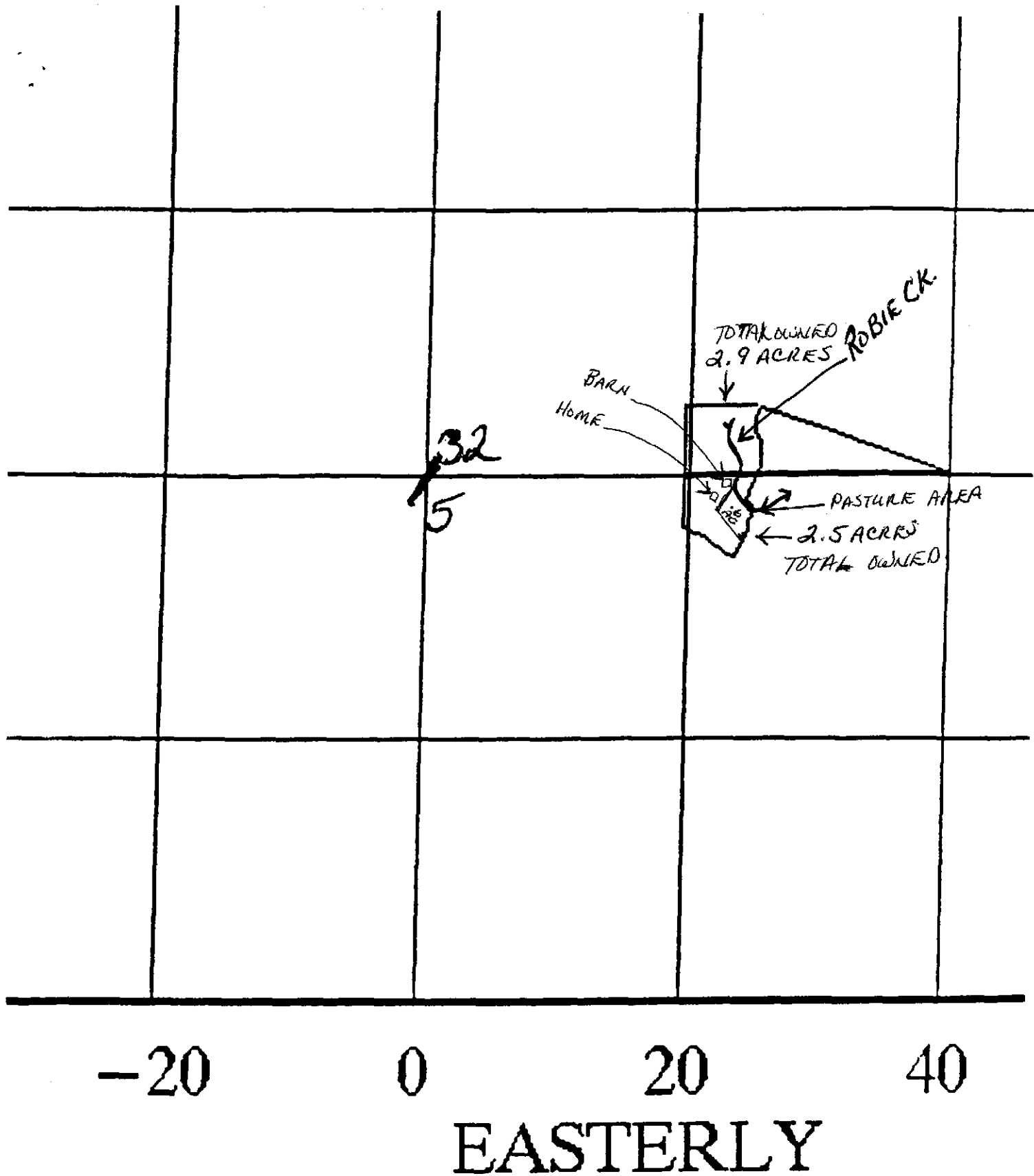
END OF LEGAL DESCRIPTION

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MEETS AND BOUNDS TABLE

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	0.00	80.00					
(SEE SHEET)	39.69	80.14	89.00	48.00	0.00	NE	2619.42
	25.36	85.12	70.00	49.00	48.00	NW	1001.16
	24.87	84.50	38.00	33.00	53.00	SW	51.98
	24.98	83.22	4.00	55.00	18.00	SE	84.83
-QUAD COEF-	25.25	82.44	18.00	54.00	28.00	SE	54.46
IF NE, X=1,Y=1	25.41	80.94	6.00	7.00	36.00	SE	99.70
IF SE, X=1,Y=-1	25.10	79.98	17.00	34.00	36.00	SW	66.44
IF SW, X=-1,Y=-1	24.72	79.36	31.00	36.00	58.00	SW	48.14
IF NW, X=-1,Y=1	24.43	78.76	25.00	53.00	37.00	SW	43.94
	24.42	78.19	0.00	51.00	56.00	SW	37.96
	24.79	77.74	39.00	45.00	29.00	SE	38.25
	24.45	75.87	10.00	24.00	40.00	SW	125.73
	24.00	74.81	23.00	11.00	32.00	SW	75.67
	23.55	73.93	27.00	0.00	31.00	SW	65.48
	22.96	74.09	74.00	30.00	22.00	NW	40.18
	21.76	75.05	51.00	23.00	36.00	NW	101.16
	21.32	75.46	46.00	57.00	51.00	NW	40.19
	20.77	75.71	65.00	41.00	1.00	NW	39.31
	19.66	76.19	66.00	23.00	35.00	NW	80.09
	19.63	85.21	0.00	12.00	0.00	NW	594.96
	24.94	85.23	89.00	48.00	0.00	NE	350.62

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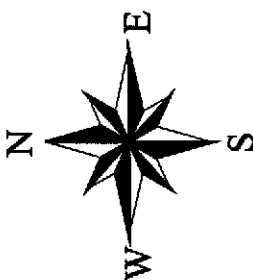


AREA PLOTTED USING METRES & BOUNDS DESCRIPTION FOR JOE ANNEN.

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IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5161B

OWNER(S): ALLEN, JOSEPH

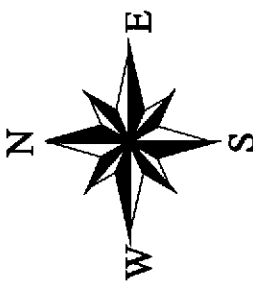
DATE: JUNE 8, 2001

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5161B

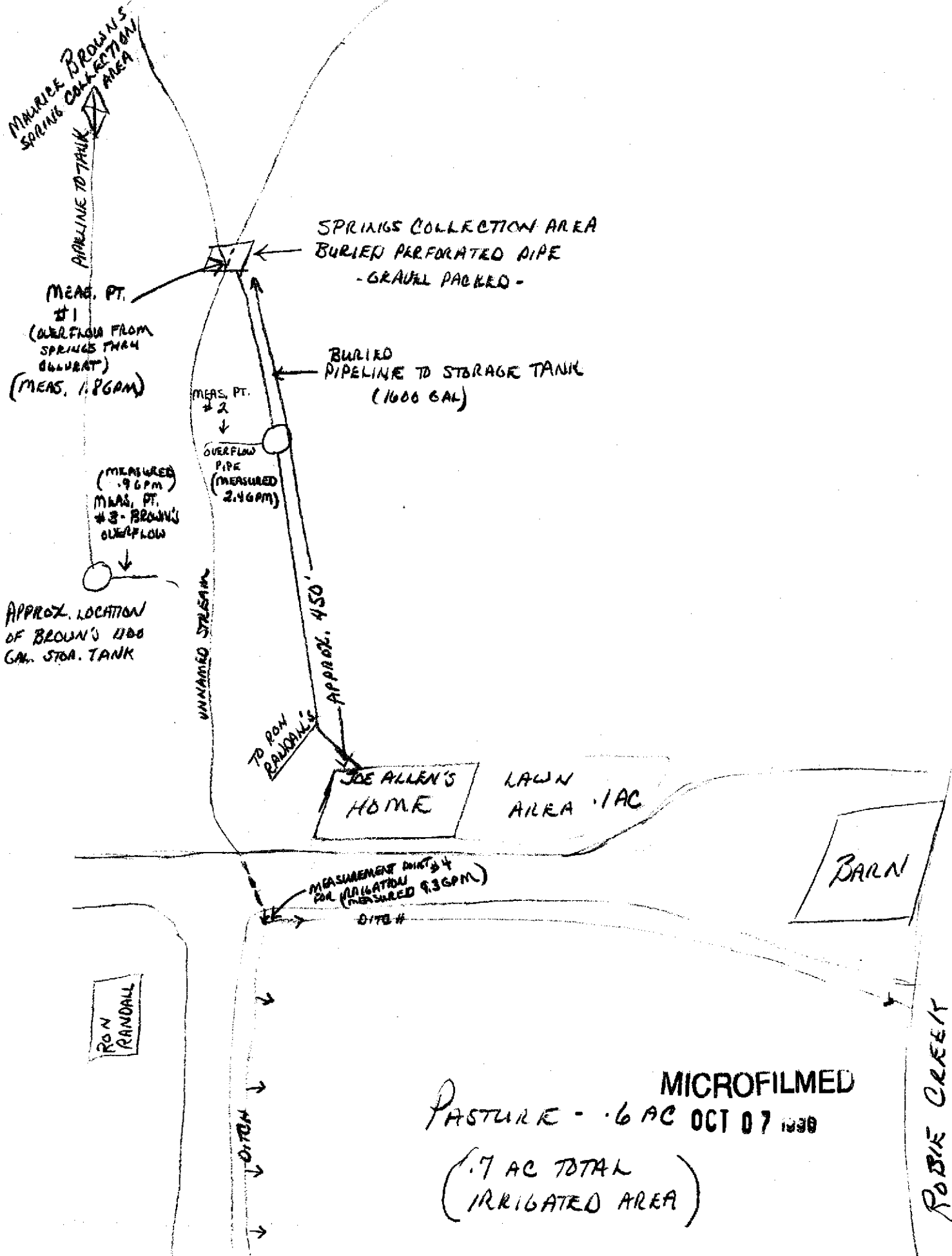
OWNER(S): ALLEN, JOSEPH

DATE: JUNE 8, 2001

by: Mel Schulte



SYSTEM DIAGRAM
(NOT TO SCALE)



EXAM DATE - 10-14-95

TO: CLAIM FILE NO. A63-05161B

FROM: JAN SHURTE

SUBJECT: MEASUREMENT CALCULATIONS FOR CLAIM NO. A63-05161B

Measuring Point #1 - Taken at the overflow thru the culvert at the springs collection area above water tank. See diagram map.

Measured 4.5 gallons in 2 minutes 30 seconds

$$\frac{4.5 \text{ gal}}{150 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = \frac{270 \text{ gal}}{150 \text{ min}} = 1.8 \text{ gpm}$$

Measuring Point #2 - Taken at the overflow pipe from Allen/Randall water tank. See diagram map.

Measured 2.5 gallons in 62 seconds

$$\frac{2.5 \text{ gal}}{62 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = \frac{150 \text{ gal}}{62 \text{ min}} = 2.4 \text{ gpm}$$

Measuring Point #3 - Taken at the overflow pipe for Maury Brown's water system. See diagram map.

Measured 2.5 gallons in 2 minutes 40 seconds

$$\frac{2.5 \text{ gal}}{160 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = \frac{150 \text{ gal}}{160 \text{ min}} = .9 \text{ gpm}$$

Total from spring sources only = 5.1 gpm

Measuring Point #4 - Irrigation - Taken at the headgate to the field, which included overflow from Joe Allen's domestic use and the flow from the springs and unnamed stream. See diagram map.

Measured 4.8 gal in 31 seconds

$$\frac{4.8 \text{ gal}}{31 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = \frac{288 \text{ gal}}{31 \text{ min}} = 9.3 \text{ gpm}$$

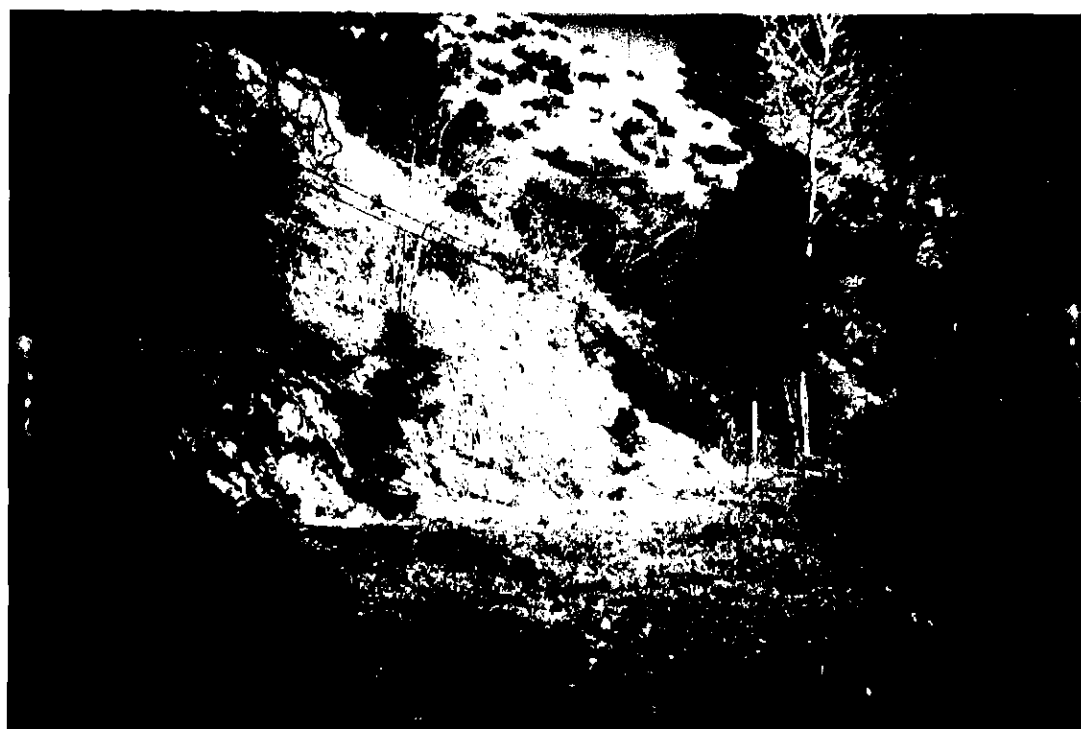
All measured using a 5 gallon bucket and stopwatch during which time no domestic use was occurring - per Randall & Allen.

Note - Total flow from this source is the 9.3 gpm with 5.1 gpm measured from the spring sources and 4.2 gpm subbing into the stream as it flowed downhill from the springs to the headgate.

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HOME & LAWN AREA
 PICTURE TAKEN FACING SOUTH
 10-24-95 J



CONTINUED LAWN AREA
 PICTURE TAKEN FACING NORTH
 FROM PICTURE ABOVE
 10-24-95 J

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CLAIM NO. A63-05161B



PICTURE TAKEN
10-24-95 J

THIS PICTURE
SHOWS THE OVER-
FLOW PIPE FROM
THE STOR. TANK
INTO THE UNN.
STREAM - MEAS.
POINT #2 (2.46PM)
NO WATER WAS BEING
USED AT THIS TIME,
SO OVERFLOW SHOULD
INDICATE WHAT WAS
FLOWING INTO TANK.

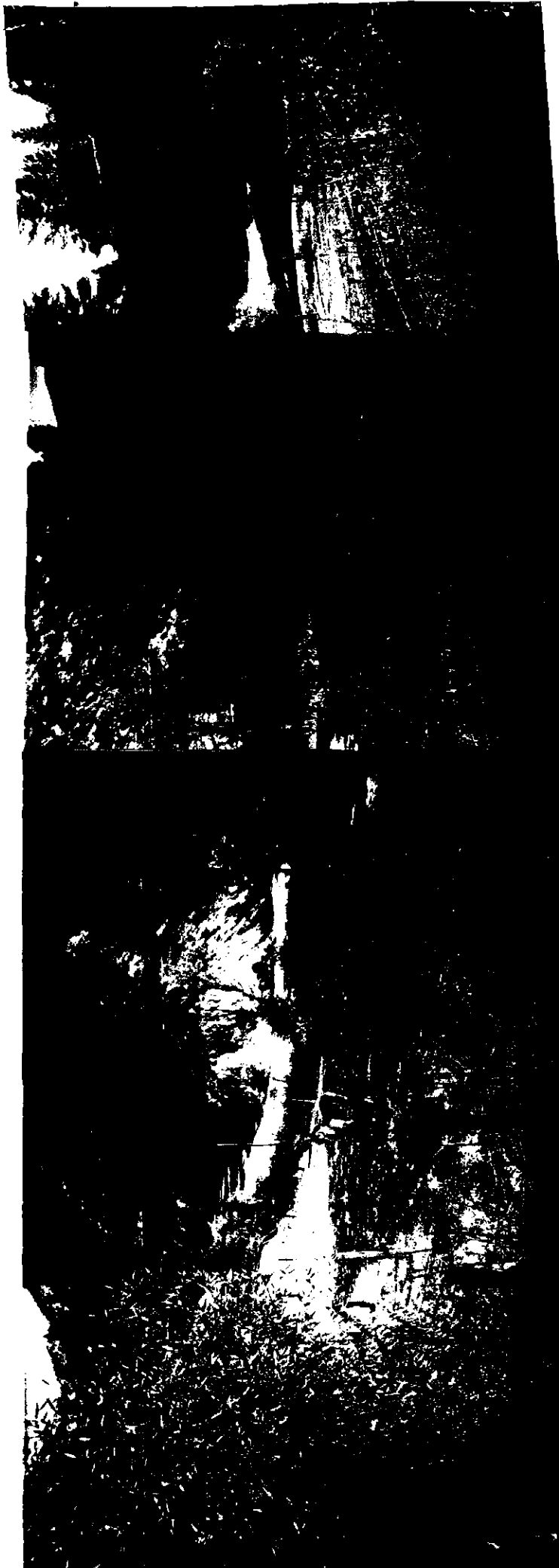
WEST



EAST

PICTURE TAKEN
10-24-95 J
THIS IS A PICTURE
TAKEN OF THE
HILLSIDE LOCATED
WEST OF MR. ALLEN'S
HOME. HE INDICATED
THAT THIS HILLSIDE
WAS IRRIGATED AT
ONE TIME, BUT THE
PIPE WAS DESTROYED
BY MUD & IRRIGATION
CEASED IN ABOUT 1984,
OR 1985. TREES APPEAR
TO BE DEAD & DOES NOT
APPEAR TO HAVE BEEN
IRRIGATED FOR QUITE AWHILE

NORTH



SOUTH

MEASUREMENT POINT

PLACE OF USE FOR IRRIGATION
TAKEN 10-24-95 J
CHAIN NO. A63-05161B

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OCT 07 1996

WEST

SPRINGS & STORAGE TANK



NORTH

SOUTH

EAST

PICTURE TAKEN 10-24-95
CRAIN NO. A63-05161B
JG

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OCT 07 1996



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

JOSEPH B ALLEN
4 LARKSPUR LN
BOISE ID 83716

Re: Claim No(s). 63-5161B

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

MEMORANDUM

October 26, 1995

TO: CLAIM FILE NOS. A63-05161A, A63-05161B, A63-05161C
& A63-15427
APPLICATION FOR PERMIT NOS. 63-12284 & 63-12290

FROM: JAN SHURTE

RE: GENERAL SUMMATION OF FILING PROBLEMS WITH ABOVE CLAIMS
EXPLANATION OF WATER RIGHT DISPUTE AND FILING OF
APPLICATIONS

On June 21, 1983, Mr. & Mrs. Hoover filed Statutory Claim No. 63-05161. This claim was filed for 60 acres of irrigation, domestic and stockwater purposes from two unnamed streams, tributary to Robie Creek. The description of diversion works stated open ditch and 2" pipe out of stream for domestic. The priority date claimed was May 1, 1955. The number of homes or head of stock was not shown on this claim.

In May, 1989, Erna Hoover refiled on the above statutory claim under Claim Nos. A63-05161 and A63-15223 (see claims in file). In the remarks for Claim No. A63-05161(now renumbered to A63-05161B) Mrs. Hoover stated, "The basis of this claim is the statutory claim 63-05161 which had given unnamed streams as the source, when in actuality the source is and was 2 springs which were developed before 1955." In the remarks for Claim No. A63-15223(now renumbered to A63-05161C) she stated, "The basis of this claim is the statutory claim 63-05161 which originally gave unnamed streams as the source, when in actuality the source is a spring. The old school house was the original place of use, and when the new home was moved in the use was transferred." There is a memo to the file from Anna Baumhoff which states that from discussions with both Mrs. Hoover and Maury Brown (A63-05161A & A63-15427) it appears the unnamed stream systems were abandoned and Mrs. Hoover did not file a claim in the adjudication because she felt these unnamed streams had not been used for more than 5 years. Two other claims have been filed by Maury Brown based on this statutory claim. Claim No. A63-05161A covers one home for .01 cfs (4.5 gpm) from a spring source and Claim No. A63-15427 covers 12 acres of irrigation from one of the unnamed stream sources (Sec. 5).

There are currently 3 homes attached to the spring source. Two of the homes were added after 1971 and the one home is on the site of the original homestead - original home burnt down years ago and this house replaced it. When Mrs. Hoover sold the land for the two newer homes (Maury Brown & Ron Randall) and the third home (Joe Allen), she put a clause in their contracts concerning the spring use. The clauses stated that the two newer homeowners could use the water from the spring. She also put a clause in the third homeowners (Joe Allen) where he signed off stating that he would honor the agreement for the spring use between Brown, Hoover and

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that he would allow the owners of the adjacent mobile home (Ron Randall) use of the spring water. It appears that Joe Allen's home has the oldest water right, however, it will remain to be decided if a portion of this older right was given up when he purchased the home and signed the contract granting the other two users the right to the use of the spring water. Due to this question, along with the after 1971 uses, both Maury Brown & Ron Randall have now filed new applications for permit for this spring water.

Per Joe Allen's request, I conducted an adjudication field exam on October 24, 1995, on his land in Sec. 5 as described in the original statutory claim. The diversions are all from springs located in the draw approximately 600' to the west of the unnamed stream described in the original statutory claim in Sec. 5. The unnamed stream in Sec. 32 was not field examined at this time. This portion has been claimed as a spring source by Sterling & Debbie Turner under Claim No. A63-15223 (now A63-05161C) per an ownership change from Ms. Hoover. Mr. Allen requested the exam because he is having a water dispute with the 2 other users of the spring source, Maury Brown and Ron Randall. He claims that he does not have enough water to irrigate his lawn and pasture area.

At the time of the field exam, I measured 9 gpm (.02 cfs) available at the headgate for irrigation. The amount measured at the springs collection area was 5 gpm with the remaining 4 gpm picked up thru other springs subbing into the stream from the springs as it flows down to the irrigation headgate. The stream from these springs is not the same as the unnamed stream described in the original statutory claim. See file for more details. Irrigation of the pasture area is .6 acres and approximately .1 acre for the lawn area around the home. The lawn area is less than .1 acre, however, I rounded it up to the nearest tenth. This brings the total irrigated area to .7 acres. I used an 8" to the mile acre grid and counted the acres using 1/10th acre increments. The area irrigated was outlined using both the orthophotoquad and Napp photos based on the findings during my field exam. Photos were also taken and are in the file showing the pasture and lawn area. Mr. Allen stated the hillside behind his home had once been irrigated, however, he indicated it has not been irrigated since 1987 or 1988. It is not now being irrigated nor does it appear to have been irrigated recently. A photo of this hillside area is also in the file. Mr. Allen owns a total of 2.5 acres in Sec. 5. The other two owners do not have outside irrigation.

In summary, the claims filed appear to be for a different source than that claimed originally under 63-05161. Mr. Allen did have 9 gpm for .7 acres at the time of the field exam. The spring water cannot be regulated by the Department or anyone since the source has not been decreed. Mr. Allen will need to seek civil action in order to pursue administration of this water. In the meantime, copies of the applications are being sent to Mr. Allen and a conference may be set up to tell the details again.

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DEC 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1995

Joseph B. Allen
HC 33, Box 2032
Boise, ID 83706

Dear Mr. Allen:

This letter is to respond to your requests for a field examination of your water system by explaining the Department's duties in this regard and provide information concerning the original filing and current filings on the water right you have claimed.

Originally, Mr. & Mrs. Hoover filed Statutory Claim No. 63-05161 on June 21, 1983. This claim was filed for two unnamed streams, tributary to Robie Creek, for the irrigation of 60 acres, domestic and stockwater use. A statutory claim is a filing based on what the claimants state they have been using the water for since the date of first use, which Mr. & Mrs. Hoover stated was May 1, 1955. This filing did not claim the use of any springs and listed the diversion works as open ditch for irrigation and 2" pipeline out of the stream for domestic use (the number of home(s) was not listed on this original claim). Enclosed is a copy of this claim and map for your review.

During the Snake River Basin Adjudication claims filing, all property owners were notified to file a Notice of Claim to a Water Right for any **water being used**. The only exemption was domestic use from a groundwater source that did not exceed 13,000 gallons per day. During that time the following claims were filed, based on Statutory Claim No. 63-05161 (the A prefixes designate a claim filed during the adjudication filing process):

Claim No. A63-05161

Claim filed 5-10-1989 by Erna K. Hoover claiming 5 acres of irrigation and domestic use for two homes dating back to May 12, 1955 located within Govt. Lot 3 (NENW), Sec. 5, Twp. 3N, Rge. 4E. This claim was filed based on the existing statutory claim, however, the source was changed to springs, tributary to Robie Creek, with a remark: "The statutory claim had given unnamed streams as the source, when in actuality the source is and was 2 springs which were developed before 1955." The location of the springs were listed as Govt. Lot 4 (NENWNW), Sec. 5, Twp. 3N, Rge. 4E. Documentation will be required to prove that the sources had always been the springs rather than the unnamed streams originally claimed, or if the sources have changed, evidence of the date of change will be needed.

7-8-93 - Change of ownership was received and processed from Erna K. Hoover to Joseph B. Allen.

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A63-05161 cont.

3-25-94 - This claim number was changed to A63-05161B after it was discovered another claim had been filed on this same right by Maurice Brown - A63-05161A (see below).

7-11-95 - Claim amended by claimant changing priority date to October 23, 1906, reducing domestic use to one home and changing amount of water to .04 cfs (18 gpm) total from .18 cfs. Evidence will also be required supporting this change of the priority date and continuous historical irrigation of the 5 acres claimed. Some evidence has been submitted by the claimant at this time.

Claim No. A63-15223 - Renumbered to A63-05161C (see below)

Claim filed 5-10-1989 by Erna K. Hoover claiming 2 acres of irrigation and domestic use for one home dating back to May 1, 1955 located north of the above claim in the NESW, Sec. 32, Twp. 4N, Rge. 4E. The remarks on this claim state: "The basis of this claim is statutory claim 63-05161 which originally gave unnamed streams as the source, when in actuality the source is a spring. The old school house was the original place of use, and when the new home was moved in, the use was transferred." This claim will also require evidence concerning the change in source(s) of the water as described above under Claim No. A63-05161B.

6-6-1994 - Change of ownership was received and processed from Erna K. Hoover to Sterling and Debbie Turner.

7-1995 - Amended claim submitted by claimants changing the basis of claim from beneficial use to statutory claim number 63-05161. Due to the other two claims being filed on this same existing water right, this claim was renumbered to **A63-05161C**. This claim was also amended from 2 acres of irrigation to 20 acres and from .04 cfs of water for irrigation purposes to .80 cfs. The place of use for irrigation was changed from the NESW, Sec. 32 to the NWSW, Sec. 32, Twp. 4N, Rge. 4E. Evidence will be required supporting the date of priority, source, date of change of the place of use and the continuous historical irrigation of the 20 acres.

Claim No. A63-05161A

Claim filed 5-19-1989 by Maurice Brown claiming domestic use for 1 home from a spring source, tributary to Robie Creek, dating back to September 1, 1918. This filing was based on the original claim 63-05161, however, the priority date (date of first use) of the water, as claimed, changed from the original filing, May 1, 1955, to September 1, 1918. Evidence to support the earlier priority date will be needed along with evidence to support the source question mentioned above. Some evidence has been submitted by the claimant at this time.

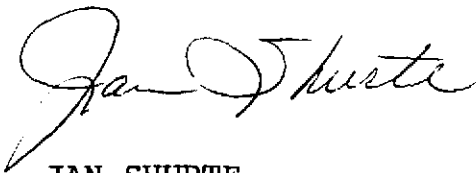
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NOTE - If evidence cannot be submitted supporting a date of priority prior to May 20, 1971, then it is likely that the claim(s) will not be recommended for court decree. Any development, from a surface water source, after May 20, 1971, was required to be filed upon at the time of development. If evidence cannot be located now, or in the future, supporting a date earlier than May 20, 1971, then an application for permit should be filed at this time. An application for permit has a priority date as of the date it is filed.

The Department's job is to verify the items claimed and make a recommendation for decree to the Snake River Basin Adjudication Court in Twin Falls. We are currently conducting exams in the Boise River drainage basin, however, we have four other basins that have field exams completed for which recommendations will be required prior to this area. We can do a field exam on your claim, as we discussed in my office, however, the information will be placed in the file and no recommendation made. Water cannot be regulated unless all the rights involved have been decreed in court. If you feel this is necessary at this time, you must contact an attorney to initiate a court action. In the meantime, this water cannot legally be regulated, either by the Department or yourself.

If you have any questions concerning the contents of this letter, please feel free to contact this office.

Sincerely,



JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Regional Office

Enclosures: Copies of Original Claim No. 63-05161
Adjudication Claim Nos. A63-05161A
A63-05161B
A63-05161C

cc: William Collins, Attorney at Law
Maurice Brown
Sterling & Debbie Turner
Ron Randall

ERNA HOOVER

COLLEGE PLACE #3

WALLA WALLA, WA

38324

1-509-527-3113

RE-SENT TO ERNA HOOVER AT
256 ELDEN PLACE #3
COLLEGE PLACE, WA

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OCT 07 1986

ON 12-12-95

RETURNED TO
WASH
TO MAIN

RECEIVED

AUG 28 1995

WATER RESOURCES
WESTERN REGION

March 10 1995
Joseph B Allen
HC 33 Box 2032
Boise Idaho 83706
phone 336-0067

I would like a adjudication inspections
as soon as possible on Statutory Claims
No 63-05161

Joseph B. Allen

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OCT 07 1996

COMMUNICATION DOCUMENTATION

Claim No. A63-05161B

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

IDWR Employee/Agent Ron Howerton

DATE

August 24, 1995

CUSTOMER

JOSEPH ALLEN

SUBJECT: A63-05161B

1. Submitted more paperwork for evidence of priority.
2. 1 document is a signed copy of land patent. He wanted to keep the original on this one.
3. 1 original signed statement from Cyrus M. Gettys. I advised Mr. Allen that this document would be better, if it was notarized. He wanted to submit it the way it was.
4. He also wondered why he hadn't received a response from our Department from his letter requesting an early field exam for this claim. I asked him who he sent it to, so he pulled out a letter. It was an original letter, hand written dated in March 1995. It wasn't addressed to anyone. I asked what did he send, since this was an original letter? He said he mailed a copy of this to us. I suggested that he that he resend the letter to us again and not a copy this time and address it to Dave Tuthill. He said he would do that and also said that he had asked Kay to resubmit the request when he was in the last time.
5. I said I would give this paperwork to Kay and he left. *KW 8/28/95*

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CELF OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 3 NORTH,
RANGE 4 EAST, AND THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 4 EAST,
36 MERIDIAN, BOISE COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 1/2" IRON PIPE WITH A BRASS SCREW AND WASHER MARKING THE NORTHWEST
CORNER OF SAID SECTION 5; THENCE

RECEIVED

AUG 24 1995

WATER RESOURCES
WESTERN REGION

3TH 89 48'00" EAST 2619.42 FEET ALONG THE NORTH LINE OF SAID SECTION 5 TO A BRASS CAP
BEING THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE
3TH 70 49'48" WEST 1001.16 FEET TO AN IRON PIN BEING ON THE CENTERLINE OF A COUNTY ROAD
ALSO BEING THE REAL POINT OF BEGINNING; THENCE, ALONG SAID COUNTY ROAD,
3TH 38 33'53" WEST 51.98 FEET TO A POINT; THENCE
3TH 4 55'18" EAST 84.83 FEET TO A POINT; THENCE
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3TH 75 26'34" EAST 28.42 FEET TO A POINT ON THE CENTERLINE INTERSECTION OF SAID COUNTY
ROAD AND A PRIVATE DRIVE; THENCE ALONG SAID CENTERLINE OF SAID PRIVATE DRIVE
3TH 10 24'40" WEST 125.73 FEET TO A POINT; THENCE
3TH 23 11'32" WEST 75.67 FEET TO A POINT; THENCE
3TH 27 00'31" WEST 65.48 FEET TO A POINT; THENCE
3TH 74 30'22" WEST 40.18 FEET TO A POINT; THENCE
3TH 51 23'36" WEST 101.16 FEET TO A POINT; THENCE
3TH 46 57'51" WEST 40.19 FEET TO A POINT; THENCE
3TH 65 41'01" WEST 39.31 FEET TO A POINT AT THE END OF SAID CENTERLINE OF SAID PRIVATE
DRIVE; THENCE, LEAVING SAID CENTERLINE OF PRIVATE DRIVE
3TH 66 23'35" WEST 80.09 FEET TO AN IRON PIN; THENCE
3TH 0 12'00" WEST 594.96 FEET TO AN IRON PIN; THENCE
3TH 89 48'00" EAST 350.62 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

MICROFILMED
OCT 07 1996

MEMORANDUM

April 12, 1995

TO: ROXANNE MCCARTHY

FROM: JAN SHURTE

RE: CLAIM NOS. A63-05161A & A63-05161B

RECEIVED
APR 14 1995
Department of Water Resources

Mr. Ron Randall came into my office on April 3, 1995, concerning the problems with the above claims. He owns the third home using the spring source claimed on these two claims.

Mr. Randall has not yet filed a claim, however, Mrs. Hoover's original filing did state two domestic homes. The question concerns which home or homes were hooked to the water system at which time. If we can find out which two homes Mrs. Hoover's original claim was for, then we would know how the claim should be split, or even if it should be. No filing was made by Mr. Randall at this time awaiting the outcome of your exam with Mrs. Hoover. Based on her information, Mr. Randall can decide which type or types of filing he wants.

Mr. Randall has requested that you notify him of your findings during this exam. He can be contacted at 387-4941. His address is: HC 33, Box 2030, Boise, ID 83706.

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1995

William D. Collins
Westberg, McCabe & Collins, CTD.
P.O. Box 2836
Boise, ID 83701-2836

Re: Statutory Claim No. 63-05161

Dear Mr. Collins,

I have enclosed the requested copy of Statutory Claim No. 63-05161, filed by Lester Hoover. There is no charge for this copy.

For your information, I will be working with both Mr. Allen and Mr. Brown to try and find a resolution to their conflict. I will also be in contact with Mrs. Hoover.

If you have any questions, please feel free to contact me at (208) 327-7925 in Boise.

Sincerely,

Roxanne McCarthy
Senior Water Resource Agent
Adjudication Bureau

RM:r:west
Enclosures:
copy of 63-05161

MICROFILMED
OCT 07 1996

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P. O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS

March 8, 1995

RECEIVED

MAR 09 1995

WATER RESOURCES
WESTERN REGION

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RE: SNRB Claim No. A63-05161B, Joseph B. Allen

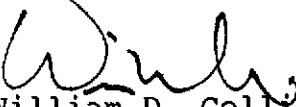
Dear Sir or Madam:

My client, Mr. Allen, asked that I notify you that he is ready to have his use made under the above claim inspected. You may notify him directly of when you will be there. His telephone number is 336-0067 and his address is the same as that listed on your files.

I would also like to request a photocopy of the actual statutory claim I believe had been filed by Mr. C. Lester Hoover along with any exhibits attached to that statutory claim. The claim was assigned no. 63-05161. I had asked Mr. Allen to obtain a copy and he brought in a computer print-out containing a synopsis of the claim. I need a copy of the actual claim signed by Hoover. Would you please let me know what the cost of that is and I will remit it to you.

Very truly yours,

WESTBERG, McCABE & COLLINS, Ctd.


William D. Collins

WDC:tc

cc: Joseph D. Allen

MICROFILMED
OCT 07 1996

TO: JAN
FROM: LINDA *SW*
DATE: 3/3/95
SUBJECT: A63-05161B

CLAIMANT, JOSEPH ALLEN, AND HIS ATTORNEY BILL COLLINS REQUESTED THAT WE DO A FIELD EXAM ON THIS CLAIM AS SOON AS POSSIBLE. THIS IS DUE TO THE FILING OF ANOTHER CLAIM ON THIS USAGE BY MAURICE BROWN. JOSEPH ALLEN ASSERTS THAT WATER IS NOT BEING USED AS CLAIMED BECAUSE OF INADEQUACY OF SPRING. NOTE THAT BOTH CLAIMANTS CHANGED THEIR CLAIMS QUITE A BIT FROM THE ORIGINAL STATUTORY CLAIM. THANKS.

MICROFILMED
OCT 07 1996

COMMUNICATION DOCUMENTATION

Claim No. A63-05161B_

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

IDWR Employee/Agent Ron Howerton

DATE
March 2, 1995

CUSTOMER
JOSEPH B ALLEN

SUBJECT: A63-05161B Double filing of Snake River Basin Adjudication Claim.

Mr. Allen came in yesterday and talked with Cindy. Cindy requested that I talk to him today:

1. He wanted to know how someone could file on his water right. I showed him a copy of the double filed claim. I explained that in the Adjudication process anyone could file a claim on any water right. I told him that the claimant with the most proof of ownership would get their claim recommended.
2. I advised him to talk to his attorney if he wants this matter resolved earlier than the normal investigation procedure by the adjudication staff.
3. He said he might get an affidavit from the original owner as part of his evidence of ownership.
4. I made copies of his claim and the double filed claim. He said that he would take this new information back to his attorney.
5. He appeared to want to resolve this now so I also suggested that after talking to his attorney he may want to write a letter to our Regional Manager for a possible request for a field exam to look at the spring water right.

MICROFILMED
OCT 07 1996

CONVERSATION MEMORANDUM

DATE 3/1/95FILE A63-5161BNAME OF PARTY Joe AllenEMPLOYEE Cindy HodgesRE: Use of Spring.

Mr Allen visited the office. He was upset about a duplicate claim filed on this right (A63-5161A).

The original owner (Mrs Hoover) filed the initial claim A63-5161. In 1993 Mr Allen purchased the property and ^(whole) claim was conveyed to him. However in 1985 Mrs Hoover had sold adjacent property to Brown and promised the use of a certain spring but it is not clear if any existing rights were conveyed.

Brown filed claim A63-5161A, showing additional acres irrigated ^{from same source} and an earlier priority date. The original Statutory claim shows 42 ac although Mrs Hoover only showed 5 on her claim; it is not known at this time if the acres owned by Brown were also irrigated from the source. Brown may have a 1985 use which requires a permit (See agent memo ~~is~~ from A63-15427, also claimed by Brown, attached). Mr Allen may write and request a field investigation. I advised Mr Allen to get an affidavit of use and copy of the spring use agreement from **MICROFILMED** Hoover. OCT 07 1996

See also attached documents.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 25, 1994

Joseph B. Allen
HC 33 Box 2015
Boise, ID 83706

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Boise County - Claim No. A63-05161B

Dear Claimant,

The identification number of your Notice of Claim to a Water Right has been changed from A63-05161 to A63-05161B. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Roxanne'.

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

Enclosures:
copy of Notice of Claim

MICROFILMED
OCT 07 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 9, 1993

Re: Notice of Claim to a Water Right No. A63-05161

Joseph B. Allen
HC 33 Box 2015
Boise, ID 83706

Mr. Allen:

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.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

MICROFILMED
OCT 07 1996

INDEXES FROM 4-18-1903
TO

12-24-1912

No. 12218

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Elmer C. Gettys

Postoffice address: Boise. 12 Mile Station, Idaho City Road.

County: Boise

State: Idaho

2. The quantity of water claimed is one and one-half ($1\frac{1}{2}$) cubic feet per second.

3. Source of water supply: Leigh Creek.

4. Location of point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, Tp. 4 N. R. 4 E. B. M.

County of Boise

5. To be used for: Irrigation

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: One hundred and twenty- (120) acres.

(b) In the following legal subdivisions: W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32, T. 4 N. R. 4 E. and N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 5, T. 3 N. R. 4 E. B. M.

6. Estimated cost of works: Fifty (\$50.00)

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 15 feet, length of dam at bottom 10 feet. Material used in construction: Wood, Rock and Earth

(c) Size of headgate: Width 2 feet, height 2 feet.

(d) Conduit Ditch, width at bottom $1\frac{1}{2}$ feet, width at water line 3 feet, depth of water $1\frac{1}{2}$ feet. Average grade per mile is 6 feet. Length of conduit is One mile, and it crosses the following quarter sections: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 4 N. R. 4 E. B. M.

8. The time required for the completion of the construction of such work is 3 years.

9. Time required for the complete application of the water to the proposed use is 2 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Elmer C. Gettys...Applicant

By... D. T. Miller..... Agent.

Remarks:

Time asked for in section 8 above is reduced to 1 year.

A. R. Robinson,

State Engineer

C.V.B.

MICROFILMED

OCT 07 1996

APPROVAL OF STATE ENGINEER.

The number of this permit is 8186.

Date of first receipt at office of State Engineer 3:00 P.M. April 3, 1912.

Returned to applicant for correction April 4, 1912.

Corrected application received April 6, 1912.

Recorded in Book 26. Page 8186. Approved April 22, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before June 21, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 22, 1912.

The whole of said work to be completed on or before April 22, 1913

Beneficial use of water appropriated in accordance herewith, to be made on or before April 22, 1915.

Witness my hand this twenty-second day of April, 1912.

A. E. Robinson,

State Engineer.

MICROFILMED
OCT 07 1996

P8186

T 4 N R 4 E B M

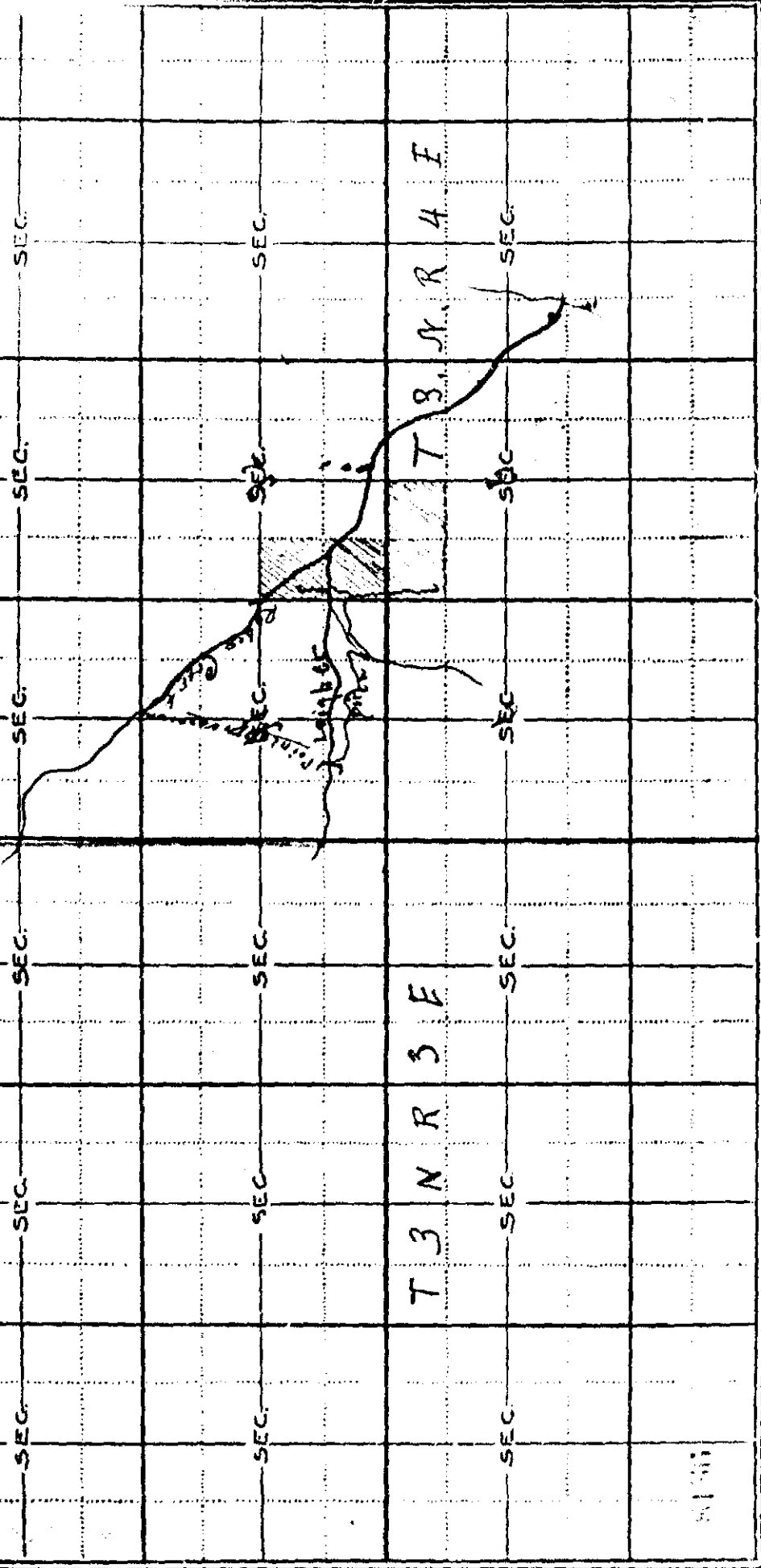
SEC. SEC. SEC. SEC. SEC.

SEC. SEC. SEC. SEC. SEC.

SEC. SEC. SEC. SEC. SEC.

T 3 N R 3 E

T 3 N R 4 E



Applicant

7 1996

6

SCALE: 2 INCHES = 1 MILE

CLAIMANT'S NAME: Maurice BrownDATE: 7/16/89EMPLOYEE: Anna BaumhoffRE: claim is for usg. of 12 acres priority date
5/1 1914 from unnamed stream.

Mr. Brown came into the office ^{approx.} the first week of April. We discussed his property which he purchased from ERNA Hoover. He was concerned about her rights as well as his. He built his home in 1979. and receives his water from Mrs. Hoover's Springs they have an agreement that this is temporary and Mr. Brown will eventually develop his own source from on his property.

Mrs. Hoover has claimed all of the established Beneficial Use Right and excluded any use for the property now owned by Mr. Brown.

from discussions with both Mrs Hoover & Mr. Brown it appears that Mr. Brown Established a new right approx in 1979 from the Springs this requires a permit - no permit was filed.

Mr. Brown is claiming as his source for his adj. claim a stream system that he told me was abandoned - completely clogged and also originates on Mrs. Hoovers land.

Mrs. ~~Hoover~~ felt that the w.f. from this source had been abandoned by disuse for more than 5 yrs. and did not claim it in the adjudication.

MICROFILMED

AUG 25 1992

BARGAIN AND SALE DEED

RECEIVED

AUG 25 2000

WATER RESOURCES
WESTERN REGION

THIS INDENTURE, Made the third day of October in the year of our Lord one thousand nine hundred and thirty between Elmer C. Gettys, a single man of Boise County of Ada, State of Idaho, the party of the first part, and W. W. White of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Twenty (\$20.00) Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part and to his heirs and assigns, forever, all those two certain springs situate, lying and being in the County of Boise, and State of Idaho, particularly described as follows, to-wit:

All the waters of those two certain springs situated on the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-two (32), in Township Four (4) North of Range Four (4) East of the Boise Meridian, which said springs are located about 150 West of the East boundary line of said above described eighty acre tract and about the middle of said tract on a north and south line, together with the right of way necessary to convey the waters of said springs across the above described lands to the lands of the said party of the second part;

together with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Elmer C. Gettys (SEAL)

STATE OF IDAHO)
 :SS
COUNTY OF ADA)

On this 3rd day of October in the year 1930, before me Luther W. Tennyson a Notary Public in and for said State, personally appeared Elmer C. Gettys, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

J. Allen

A63-05161B

Joe Allen
Submitted this
evidence of
priority in today's
office visit.

-JL 8/25/00

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

(SEAL)

Luther W. Tennyson
Notary Public for the State
of Idaho, residing at Boise
Idaho

STATE OF IDAHO)
 :SS
COUNTY OF BOISE)

I hereby certify that this instrument was filed for record at request
W. W. White at 20 minutes past 2 o'clock P. M., this 29th day of October A.
1930 in my office and duly recorded in Book 45 of Deeds at page 502.

Katherine M. Brogan
Ex-Officio Recorder
By *[Signature]*
Deputy

WARRANTY DEED

FOR VALUE RECEIVED, WILLIAM W. WHITE and G. JOSEPHINE WHITE, Husband and wife, the grantors, do hereby grant, bargain, sell and convey unto HARVEY M. BURNETT and MARTHA C. BURNETT, husband and wife, the grantees, the following described premises in Boise County, Idaho, to-wit:

Lot 4, Section 4;
 Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 North
 Range 4 East, B. M.
 S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29;
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31;
 W $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 3 and 5, Section 32;
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, Township
 4 North, Range 4 East, B. M.

Together with all water, water rights, ditches
 and ditch rights thereunto belonging, including
 all water rights that have been established
 and used pertaining to the said property flowing
 from Ruby Creek and all other sources.

EXCEPTING THEREFROM THE FOLLOWING:

The E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Government
 Lot 1, all in Section 5, T. 3 N., R. 4 E., B. M.,
 Boise County, Idaho.

All that portion of Government Lot 4 in Section
 4, of said township and range lying Southwesterly of
 a line described as follows: Beginning at a point
 on the West line of said Section 4, said point lying
 900 feet South of the Northwest corner thereof; thence
 South 41° 30' East to the south line of said Lot 4 and
 a point of terminus of the above described line.

ALSO EXCEPTING THE FOLLOWING: All that portion of the
 S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N., R. 4
 E.B.M., and government Lot 4 in Section 4, T. 3 N., R.
 4 E.B.M., Boise County, Idaho, lying East of a line
 described as follows: Commencing at the NW corner of
 said Section 4; thence South along the West line of
 Section 4 a distance of 900 feet; thence South 41° 30'
 East to the South line of said Lot 4; thence East
 along the south line of said Lot 4 a distance of 710
 feet to the true point of beginning; thence North
 16° 15' West to a point on the south line of the
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence west along said
 south line a distance of 100 feet; thence North
 parallel to the west line of said Section 33 to
 the North line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section
 33 and point of terminus of the above described
 line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs
 and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are
 the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant
 and defend the same from all lawful claims whatsoever.

Dated: Delivered in escrow this 4th day of June, 1964.

William W. White
 G. Josephine White

STATE OF IDAHO,)
 COUNTY of Boise)ss

On this 4th day of June, 1964, before me, the undersigned, a Clerk of the District Court in and for said
 State, personally appeared William W. White and G. Josephine White, husband and wife, known 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.

SEAL Katherine M. Brogan
 Ex-Offi
 Clerk District Court

STATE OF IDAHO,)
 COUNTY of Boise)ss

I hereby certify that this instrument was filed for record at no min. past 10 o'clock A. M., this 30 day of
 June, A. D. 1967, in my office, and duly recorded in Book 58 of Deeds at page 522.

Katherine M. Brogan
 Ex-Officio Recorder

By *[Signature]*
 Deputy

NOTES: 50
 142 50 142 70
 One Stamp 142 50 142 70

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That HARVEY M. BURNETT of Boise, County of Ada, and MARTHA C. BURNETT, his wife, of Boise, County of Ada, State of Idaho, parties of the first part, for and in consideration of the sum of TWENTY NINE THOUSAND FIVE HUNDRED AND NO/100ths DOLLARS, in lawful money of the United States of America, and other valuable consideration, to them in hand paid by DeMAR C. BURNETT and SHARON J. BURNETT of Boise, Boise County, Idaho, hereinafter called parties of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second parties, all of the following described property situate, lying and being in the County of Boise, State of Idaho, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 32, and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 4 East, Boise Meridian; and Lot 1, Section 5, and Lot 4, Section 4, Township 3 North, Range 4 East, Boise Meridian; EXCEPTING THEREFROM THE FOLLOWING:

- (1) E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Government Lot 1, all in Section 5, Township 3 North, Range 4 East, Boise Meridian.
- (2) That portion of Government Lot 4 in Section 4, Township 3 North, Range 4 East, Boise Meridian, lying Southwesterly of a line describe as follows:

Beginning at a point on the West line of said Section 4, said point lying 900 feet South of the Northwest corner thereof; thence S. 41° 30' E. to the South line of said Lot 4 and a point of terminus of the above-described line.

- (3) All that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 4 N., R. 4 E.B.M., and the Government Lot 4 in Section 4, T. 3 N., R. 4 E.B.M., lying East of a line described as follows:

Commencing at the Northwest corner of said Section 4; thence South along the West line of Section 4 a distance of 900 feet; thence S. 41° 30' E to the South line of said Lot 4; thence East along the South line of Lot 4 a distance of 710 feet to the true point of beginning; thence N. 16° 15' W to a point on a South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33; thence West along said South line a distance of 100 feet; thence North parallel to the West line of said Section 33 to the North line of the said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33 and point of terminus of the above-described line.

- (4) Land lying Southwest of county road in E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 32, Township 4 North, Range 4 East, Boise Meridian.

- (5) A tract of land lying in Government Lot 1, Section 5, T. 3N., R. 4 E.B.M., more particularly described as follows:

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to rights to 3.0 c.f.s. of the waters of More's Creek with a priority of October 23, 1906

Beginning at a point on the South line of said Lot 1, said point being at the North-South centerline of said Lot 1; thence Northerly and parallel with the West line of said Lot 1, to the Southeast corner of the Northeast quarter of the Southwest quarter of said Government Lot 1; thence Westerly and parallel with the South line of the West line of said Lot 1, to the South line thereof; thence Easterly along the South line of said Government Lot 1, to the point of beginning.

Together with all irrigation equipment of every kind and character and replacements thereof and additions thereto, including but not limited to pumps, pipe, electrical panels and sprinkler irrigation systems and accessories to each.

Subject to exceptions and reservations contained in patents from the United States.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to right of way, as described in the instrument in favor of the State of Idaho, recorded August 15, 1914, in Book 38 of Deeds at page 44, records of Boise County, Idaho.

Subject to the transmission line easement in favor of the Idaho Power Company, as disclosed by the instrument recorded August 2, 1948, in Book 11 of Miscellaneous Records at page 600, records of Boise County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the parties of the second part, as community property, and to the heirs and assigns of the second parties forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the parties of the second part, and with the heirs and assigns of second parties, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 29th day of June, 1967.

Harvey M. Burnett
Martha C. Burnett

SEAL
SEAL

STATE OF IDAHO,)
COUNTY of ~~Boise~~ ADA)^{ss}

On this 29th day of June, 1967, before me, a Notary Public in and for said County and State, personally appeared Harvey M. Burnett and Martha C. Burnett, his wife, to me known to be the identical individuals described in and who executed the within and foregoing instrument and whose names are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

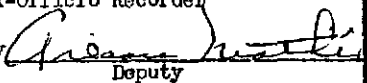
IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

SEAL Ruth Stull Deasloy
Notary Public in for the State of
Idaho, residing at Boise, Idaho
My commission expires: 8-30-1970

Recorded in Boise County, Idaho on 30 June, 1967 in Book 58 of Deeds at page 523.

Katherine M. Brogan
Ex-Officio Recorder

By


Deputy

Fee \$2.25

RECEIVED

JUL 12 1996

WATER RESOURCES
WESTERN REGION

July 11, 1996

Joseph B. Allen
% U. S. Post Office
P.O. Box 2583
Boise, Idaho 83701

Mr. Karl J. Dreher, Director
State of Idaho
Department of Water Resources
1301 North Orchard St.
State House Mail
Boise, Idaho
83720-9000

Mr. Dreher, Et al.

RE: "CONSTRUCTIVE NOTICE"

Whereas, I, Joseph B. Allen, the undersigned, aver the following:

1. On June 13, 1993 I signed an earnest money agreement with Erna Hoover for a contract to purchase certain real property and water rights as specified on the contract.
2. Pursuant to specific performance of said contract any and all water usage through any and all grace proviso(s) is/are **terminated** as of January 29, 1993.
3. Therefore, with clean hands and good faith pursuant to 42 U.S.C.A. 1986 each individual/person are jointly & severally given service of this Notice that Permits #63-12284 & #63-12290 of the State of Idaho Department of Water Resources that were fraudulently issued are null and void ab initio as the issuing agency wilfully and vexatiously usurped jurisdiction without authority to impair the obligation of contract in deprivation of Constitutional Rights guaranteed by Idaho Constitution, Article I, Section 2; and the Fifth and Fourteenth Amendments to the Constitution for the United States of America.

Therefore, any person in position to correct any unlawful and illegal taking of Joseph B.

CONSTRUCTIVE NOTICE

MICROFILMED
OCT 07 1999 PAGE 1 OF 2

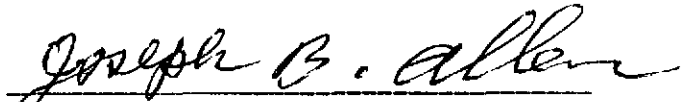
Allen's property from July 10, 1996 will be involved in a criminal conspiracy in deprivation of Constitutional and/or Civil Rights/Privileges and/or Immunities pursuant to 42 U.S.C.A. 1985.

Remedy for a CRIMINAL ACTION lies in Title 18 U.S.C.A. 242 and 241 with a criminal referral to U. S. Attorney's Office for RICO proceedings under Title 18 U.S.C. 1961 THROUGH 1968.

YOU NOW HAVE KNOWLEDGE OF THE LAW, failure to correct the wrong(s) will be an intentional act/omission on your part and will be done/omitted recklessly, wantonly, and wilfully, subjecting you to suit in Title 42 U.S.C.A. 1983 and Idaho Code 6-901 et seq.

An emergency exists as to the protection of my property rights, therefore, you have 5 days upon receipt of this service to NOTICE The holders of the fraudulently issued Permits aforementioned are voided.

Signed and sworn this 11th day of July, 1996.



Joseph B. Allen

CONSTRUCTIVE NOTICE

MICROFILMED
OCT 07 1996

CERTIFICATE OF SERVICE

I, the undersigned, do **HEREBY CERTIFY** that I caused true and correct copies of the **CONSTRUCTIVE NOTICE** to be served upon by either hand delivery or by United States mail, Boise, Idaho postage prepaid, in an envelope addressed to the following

Karl J. Dreher, Director
State of Idaho
Dept. of Water Resources
1301 North Orchard St.
State House Mail
Boise, Idaho
83720-9000

Steve Lester
State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho
83705-5082

L. Glen Saxton
State of Idaho
Dept. of Water Resources
1301 North Orchard St.
State House Mail
Boise, Idaho
83720-9000

Jan Schurte
State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho
83705-5082

Ron Randall
HC 2030
Boise, Idaho
83706

Maurice Brown
HC-33 Box 2002
Boise, Idaho
83706

Julie L. Yarbrough
State of Idaho
Dept. of Water Resources
1301 North Orchard St.
State House Mail
Boise, Idaho
83720-9000

Mrs. Erna K. Hoover
256 Elder Place #3
College Place, Washington
99324

Dated: July 14, 1996

LS/

MICROFILMED

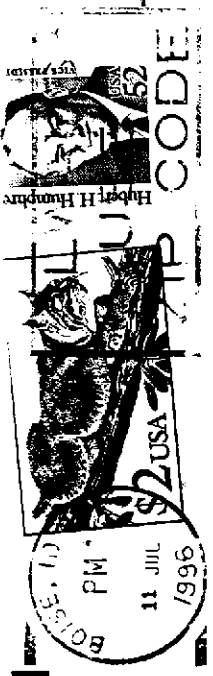
OCT 07 1996

U.S. Post Office
P.O. Box 2583
Boise, Idaho 83701

the right of the return address

CERTIFIED

P 294 684 801



MAIL

RETURN RECEIPT REQUESTED

Jan Schurte
State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho
83705-5082

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 14, 1996

RECEIVED

MAY 14 1996

WATER RESOURCES
WESTERN REGION

RE: In the Matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Dear Interested Parties:

I have enclosed a copy of the **ORDER DENYING PETITION FOR RECONSIDERATION** submitted by Joseph B. Allen in connection with the above referenced applications for permit.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

MICROFILMED
OCT 07 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

MAY 14 1996

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 63-12284 IN)
THE NAME OF MAURICE BROWN AND)
63-12290 IN THE NAME OF RON)
RANDALL)

ORDER DENYING

PETITION FOR RECONSIDERATION

On February 26, 1996, the hearing officer for the Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit Nos. 63-12284 in the name of Maurice Brown (Brown) and 63-12290 in the name of Ron Randall (Randall). On March 5, 1996, protestant Joseph B. Allen (Allen) submitted a Petition for Reconsideration of the Recommended Order to the department's hearing officer. On March 12, 1996, the hearing officer denied the petition, since it did not present any information different from that which was presented during the water right hearing.

On April 9, 1996, the Director of the department issued a Final Order in the matter to which Allen submitted another Petition for Reconsideration (petition) on April 24, 1996. Having examined the issues raised in the petition, the Director responds to each issue as follows:

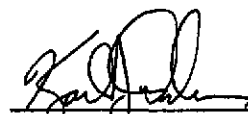
1. The department has not allowed Maurice Brown or Ron Randall to file "priority claims over the water rights" of Allen. To the contrary, the department has issued permits to Brown and Randall conditioned that use of water under those permits is subject to all prior water rights including any water rights of Allen.
2. Allen's predecessor-in-interest, Erna Hoover filed Snake River Basin Adjudication Claim No. A63-05161, a portion of which was later assigned to Allen through the filing of a "Notice of Change of Water Right Ownership". The priority of use claimed is October 23, 1906.
3. The department does not have the authority to "permanently establish" a water right based on a SRBA claim on file with the department. Only the SRBA court has the authority to determine and establish the water right.
4. The Petition for Reconsideration was timely filed as provided in Section 67-5246, Idaho Code, not as provided in Section 67-5273, Idaho Code, referenced in the petition.

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OCT 07 1996

ORDER

IT IS THEREFORE, hereby ORDERED that the petition of protestant Joseph B. Allen is **DENIED** as provided in Section 67-5246, Idaho Code, and IDAPA Rule 37.01.01740 (Rule of Procedure 740).

Signed this 13th day of May, 1996.



KARL J. DREHER
Director

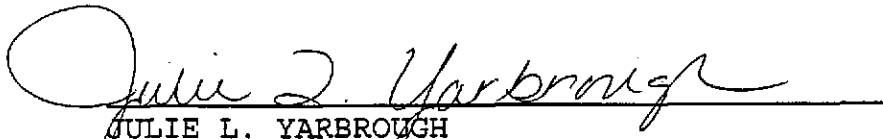
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14th day of May, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Maurice Brown
HC 33 Box 2002
Boise, ID 83706

Ron Randall
HC 33 Box 2030
Boise, ID 83706

Joseph B. Allen
HC 33 Box 2032
Boise, ID 83706


JULIE L. YARBROUGH
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 26 1996

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1996

Ron Randall
HC 33, Box 2030
Boise, ID 83706

Maurice Brown
HC 33, Box 2002
Boise, ID 83706

RE: IN THE MATTER OF APPLICATION FOR PERMIT NOS. 63-12284 IN THE
NAME OF MAURICE BROWN AND 63-12290 IN THE NAME OF ROM
RANDALL

Dear Mr. Randall and Mr. Brown:

Enclosed for your information is a copy of a Petition for
Reconsideration filed in connection with the Final Order of the
Department in the above referenced matter.

I am forwarding the information to you, since I can not
determine from Mr. Allen's petition submittal that he has served
you with a copy of the pleading as he is required to do by IDAPA
Rule 37.01.01302 (Rule of Procedure 302).

If you have questions, please feel free to contact me or the
department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region
Dave Tuthill
Joseph B. Allen

MICROFILMED

UCL 07 1996

April 23, 1996

RECEIVED

APR 24 1996

Department of Water Resources

L. Glen Saxton
STATE OF IDAHO
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Joseph B. Allen
HC 33 Box 2032
Boise, Idaho. USA
Postal Zone: 83706/tdc

re: Permit Numbers - 63-12284 & 63-12290

Dear Mr. Saxton:

This letter is to protest the action being taken by your department, and it is a DEMAND for reconsideration.

In addition, it is a redress of grievance - First Amendment, Bill of Rights to the Constitution for the united States of America (Constructive Notice) that a crime is, or is about to take place with your department aiding and abetting the crime of Grand Theft, i.e. theft of my water rights.

The genesis of this action occurred when your department allowed Maurice Brown and Ron Randall to file priority claims over the water rights which I purchased together with my property from Erna Hoover on June 30, 1993.

Ownership of this water right by "Notice of Change of Water Right Ownership" dated 6/30/93 and executed by myself as purchaser, and Erna Hoover as seller is conclusive presumption to any disputable presumption by Randall or Brown.

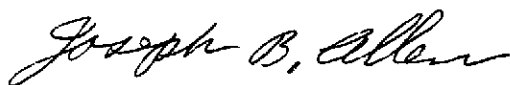
Now, it is my intention to allow you the opportunity to correct your records and establish my water right permanently.

Further, this objection is being made timely according to Section 67-5273 Idaho Code.

It is also our intention to file action in state district court should my rights be ignored by your office. This action shall be pursuant to Section 67-5270 and 67-5272 Idaho Code, and Article 15, Section 4 of the Idaho State Constitution, and Article 1, Section 10 of our National Constitution, re: "No state shall pass any bill....., or law impairing the obligation of contracts,...".

Your attention to this matter would be greatly appreciated.

Sincerely,



Joseph B. Allen

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OCT 07 1996

April 11, 1996

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File*
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APR 16 1996

**WATER RESOURCES
WESTERN REGION**

Attached is a copy of the **FINAL ORDER** in the Matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Copies forwarded to:

IDWR NORTHERN - Bob Haynes

IDWR SOUTHERN - Allen Merritt

IDWR EASTERN - Ron Carlson / Skip Jones

IDWR WESTERN - Dave Tuthill

Legal Division - Phil Rassier

Adjudication Bureau - Dave Shaw

Information Officer - Dick Larsen

Water Allocation Bureau - Glen Saxton

Water Distribution Section - Gary Spackman

Water Allocation Section - Jim Johnson / Shelley Keen

PLEASE ROUTE:

Darla Block
Robert Loveall
Sharla Curtis
Scott King
Tim Luke

Kris Rhodes
Burke Scholer
Pam Skaggs
Cindy Zimmerman

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001 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 11, 1996

RE: In the Matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

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OCT 07 1996

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 63-12284 IN)
THE NAME OF MAURICE BROWN AND)
63-12290 IN THE NAME OF RON)
RANDALL)
_____)

FINAL ORDER

On February 26, 1996, the hearing officer for the Idaho Department of Water Resources (department) issued a Recommended Order in connection with the above captioned matter. On March 5, 1996, the protestant filed a Petition for Reconsideration (petition) in connection with the Recommended Order. On March 12, 1996, the hearing officer denied the petition. Based upon his understanding of the law and the facts in this matter, the Director makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. On October 23, 1995, Maurice Brown (Brown) filed Application for Permit No. 63-12284 (application) with the department proposing the diversion of 0.01 cubic feet per second (cfs) of water from a spring to be diverted in Lot 4 (NENWNW) Section 5, T3N, R4E, B.M., Boise County to be used year-round for domestic purposes for one (1) home.

2. On October 23, 1995, Ron Randall (Randall) also filed Application for Permit No. 63-12290 (application) with the department proposing the diversion of 0.04 cfs of water from a spring to be diverted in Lot 4 (NENWNW) Section 5, T3N, R4E, B.M., Boise County to be used year-round for stockwater and domestic purposes for one (1) home.

3. The department published notice of the applications which were subsequently protested by Joseph B. Allen (Allen or protestant).

4. On February 21, 1996, the department conducted a hearing in the matter. The applicants were present and represented themselves. The protestant was present and represented himself.

5. Issues identified by the protestant include all six (6) potential issues which are described in Section 42-203A, Idaho Code.

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OCT 07 1996

6. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibits 1 and 2 - Photographs of protestant Joe Allen's irrigated pasture.

b. Protestant's Exhibits A through H - Photographs of protestant Joe Allen's property.

7. In 1989, Brown filed a Snake River Basin Adjudication (SRBA) claim with the department as follows:

Ident No: A63-05161A
Priority: September 1, 1918
Rate of div: 0.01 cfs
Source: Spring tributary to Robie Creek
Pt of div: Lot 4 (NENWNW) Section 5, T3N, R4E, B.M.
Use: Domestic - 1 home
Basis of right: Statutory claim

8. In 1989, Erna Hoover filed a SRBA claim with the department which in 1993 was assigned to Allen claiming the following:

Ident No: A63-05161B
Priority: October 23, 1906
Rate of div: 0.04 cfs
Source: Spring tributary to Robie Creek
Pt of div: Lot 4 (NENWNW) Section 5, T3N, R4E, B.M.
Uses: Domestic - 1 home
Irrigation - 5 acres
Basis of right: Statutory claim

9. The applicants and the protestant all currently obtain water from the spring source. Randall's mobile home was moved onto the property in 1976 by Erna Hoover who used water from the spring. In July 1993, Randall purchased the mobile home and property from Erna Hoover. Brown has used water from the spring for 12 to 14 years (since about 1983). Allen moved onto his property in 1988.

10. On October 24, 1995, the department conducted a field examination at the request of Allen. The department measured nine (9) gallons per minute from the spring source available for irrigation use by the protestant and determined that the protestant irrigates about 0.7 acres.

11. Brown's diversion and distribution facility is upgradient from the common system used by Allen and Randall. The Brown system includes a 1,100 gallon storage tank and the Allen/Randall system includes a 1,300 gallon storage tank.

12. During the time that the three homes have been connected to the spring source, the spring has provided sufficient water for the three (3) domestic connections.

13. In an addendum dated June 13, 1993 to the Purchase and Sale Agreement between Allen and Erna Hoover (former owner of the property involved), Allen agreed to let Brown and Randall use water from the spring.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor... .

2. Approval of the applications will not reduce the quantity of water under existing water rights if the permits are issued with certain conditions and limitations.

3. The water supply available is sufficient for the purposes intended, provided the maximum rate of flow for the Randall application is reduced.

4. The applications are made in good faith and not for delay or speculative purposes.

5. The applicants have sufficient financial resources with which to complete the projects since the projects are existing.

6. The applications do not conflict with the local public interest.

7. The applications are not contrary to the conservation of water resources within Idaho.

8. The department should approve the applications with certain conditions and limitations.

ANALYSIS

While the flow measured by the department during its field examination is likely less than the combined flow rates for the three (3) domestic uses once the Allen right is determined, the single measurement should not be considered as the maximum rate of flow available from the spring at other times of the year.

By signing the addendum to the Purchase and Sale Agreement on June 13, 1993, the protestant appears to have either agreed to convey a portion of an existing water right to the applicants or to have waived the right to oppose the applicants' appropriation of water from the spring source. Since the protestant's water right has not been determined by the SRBA court, and since there has been enough water in the spring for past uses of the protestant and the applicants, the department should approve the applications.

If the SRBA court awards a water right to Brown pursuant to SRBA claim No. A63-05161A, the right should be considered as a replacement for the water right represented by Permit No. 63-12284, and not an addition to it.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit Nos. 63-12284 and 63-12290 are **APPROVED** subject to the following conditions and limitations.

63-12284 - MAURICE BROWN

1. Use of water under the right is subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before **May 1, 1997**.
3. Domestic use is for one (1) home.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Use of water under this right is subject to the control by the watermaster of State Water District No. 63.
6. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.

7. Approval of this permit is predicated upon allowing reasonable use of the spring by the protestant pursuant to the protestant's unadjudicated SRBA claim and shall not be the basis for shutting off the unadjudicated claim of the protestant during times of water shortage.

63-12290 - RON RANDALL

1. Use of water under the right is subject to all prior water rights.

2. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before **May 1, 1997**.

3. Domestic use is for one (1) home.

4. The issuance of this right does not grant any right-of-way or easement across the land of another.

5. The stockwater use shown on the application is considered to be included within the domestic use and is not a separate authorized use. The maximum rate of diversion authorized for domestic use under this right shall not exceed 0.01 cfs.

6. Use of water under this right is subject to the control by the watermaster of State Water District No. 63.

7. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.

8. Approval of this permit is predicated upon allowing reasonable use of the spring by the protestant pursuant to the protestant's unadjudicated SRBA claim and shall not be the basis for shutting off the unadjudicated claim of the protestant during times of water shortage.

Signed this 9th day of April, 1996.



KARL J. DREHER, Director

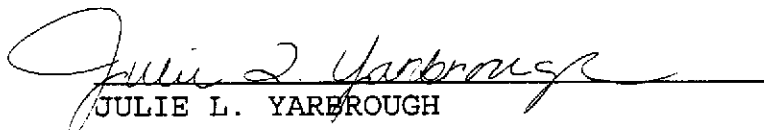
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of April, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing **FINAL ORDER** to the following:

Maurice Brown
HC 33 Box 2002
Boise, ID 83706

Ron Randall
HC 33 Box 2030
Boise, ID 83706

Joseph B. Allen
HC 33 Box 2032
Boise, ID 83706


JULIE L. YARBROUGH
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 14 1996

WATER RESOURCES
WESTERN REGION

March 12, 1996

RE: In the Matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Dear Interested Parties:

I have enclosed a copy of the **ORDER DENYING PETITION FOR RECONSIDERATION** submitted by Joseph B. Allen in connection with the above referenced applications for permit.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

MICROFILMED
OCT 07 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

MAR 14 1996

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 63-12284 IN THE NAME) ORDER DENYING
OF MAURICE BROWN AND 63-12290 IN) PETITION FOR RECONSIDERATION
THE NAME OF RON RANDALL)
_____)

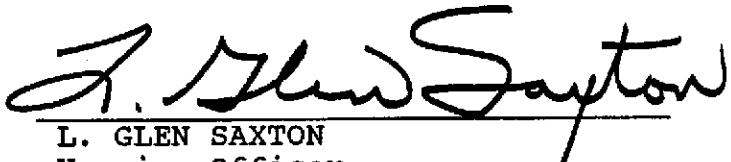
On February 26, 1996, the hearing officer for the Idaho Department of Water Resources (department) issued a Recommended Order in connection with Application for Permit Nos. 63-12284 filed in the name of Maurice Brown and 63-12290 filed in the name of Ron Randall. On March 5, 1996, protestant Joseph B. Allen submitted a Petition for Reconsideration (petition) to the department.

The hearing officer has reviewed the petition which should be denied, since the petition does not present information different from that which was presented in the water right hearing conducted on February 21, 1996.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protestant's Petition for Reconsideration of the Recommended Order is hereby DENIED.

Dated this 12th day of March, 1996.


L. GLEN SAXTON
Hearing Officer

MICROFILMED
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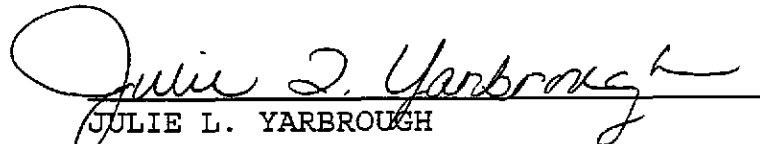
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of March, 1996, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Maurice Brown
HC 33 Box 2002
Boise, ID 83706

Ron Randall
HC 33 Box 2030
Boise, ID 83706

Joseph B. Allen
HC 33 Box 2032
Boise, ID 83706


JULIE L. YARBROUGH
Senior Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

MAR 06 1996

WATER RESOURCES
WESTERN REGION

March 5, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Maurice Brown
HC 33 Box 2002
Boise, ID 83706

RE: In the Matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Dear Mr. Brown:

I have enclosed for you information a copy of a Petition for Reconsideration (petition) filed with the department on March 5, 1996, by Joseph B. Allen in connection with the above referenced matter.

Since the rules of procedure require that a party must serve copies of documents on all other parties in a contested matter, and since I can not determine from Mr. Allen's submission that he has served you, I am forwarding a copy of his petition to you.

If you have any questions regarding the enclosed order, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - W. Region
Joseph B. Allen

→ CHAIRMAN # AL23-05161B

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 5, 1996

Ron Randall
HC 33 Box 2030
Boise, ID 83706

RE: In the Matter of Application for Permit Nos. 63-
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the name of Ron Randall

Dear Mr. Randall:

I have enclosed for you information a copy of a
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Since the rules of procedure require that a party
must serve copies of documents on all other parties in a
contested matter, and since I can not determine from Mr.
Allen's submission that he has served you, I am
forwarding a copy of his petition to you.

If you have any questions regarding the enclosed
order, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - W. Region
Joseph B. Allen

MICROFILMED
OCT 07 1998

Joseph B. Allen

March 1, 1996

RECEIVED

MAR 05 1996

PETITION FOR RECONSIDERATION

Department of Water Resources

To: L. Glen Saxton

Answer to Per Your Letter of February 26, 1996

(FINDING OF FACT)

(Section 8) It is not the claim (Erna Hoover) sold me! She sold me Claim A6305161 with two Springs.

(Section 10) There is 2.25 acres to be irrigated.

(Section 11) Randall does not own any of the systems, that is my systems. I own all of it!

(Section 12) It is not sufficient for three domestic connections and 2.25 acres of irrigation.

(Section 13) That agreement was based on water claim bought with the property! Claim A6305161 with 80 gallons per minute water flow! or 180 C.F.S.

(CONCLUSIONS OF LAW)

(SECTION 1) (A) That it will reduce the quantity of water under existing Water Right (MINE)
(B) That the water supply is insufficient for the purpose for which sought to be appropriate for!
(C) Is made for Delay or Speculative purposes! (Brown) has two water claims and this permit.

(SECTION 2) Approval of the applications will reduce the quantity of water of existing water right!

(SECTION 3) The water supply available is not sufficient for the purposes intended even if flow is cut to 0.01 C.F.S. or 4 1/2 gallons per minute! per permit.

(SECTION 4) (Brown) for speculative purposes and delay

(SECTION 5) (Randall) I own that system

(SECTION 8) It did not work the last two years! 2/3 of my land dried up! and I had to feed my horse hay and my yard and flowers suffered and pasture dried up, damage!

(ANALYSIS)

The flow from the springs should be considered year around there not enough water flow to make a difference and my stock drinks in the winter.

I tell you again the water part of the agreement is unrevealed and null & void (UCC 1-207 & UCC 1-103 claim). There has not been enough water flow in the past for my use and the applicants!

MICROFILMED
OCT 07 1996

March 1, 1996
L. Glen Saxton
Page 2

(Brown) has two water claims and a permit claim!

(ORDER)

(SECTION 1) My water right is prior to Brown and has a priority date of 1906 (Erna Hoover's)
claim dated May 9, 1989. Brown claim date May 19, 1989

(SECTION 3) Brown 0.01CFS or 4 1/2 gallons per minute

(SECTION 5) Randall 0.01CFS or 4 1/2 gallons per minute

TOTAL serving flow 0.02CFS or 9 gallons per minute
(ALLEN) FIRST priority water rights (but no water)

That agreement with Erna Hoover is unrevealed and null & void and will be justified by Erna Hoover! My water right goes back to mid 1860's and been used on the property I own and has been passed down through the (assigns/owners) to me! I would like for a Reconsideration Order, I'm asking you to take a look at the Idaho State Constitution Article XV-Section 3, Section 4, Section 7 and U.S. Constitution Amendment 5 & 7!

Sincerely,
Without prejudice
UCC1-207 & UCC 1-103

Joseph B. Allen

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

FEB 27 1996

WATER RESOURCES
WESTERN REGION

February 26, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application for Permit Nos. 63-12284 in the name of Maurice Brown and 63-12290 in the name of Ron Randall

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a recommended order with the hearing officer issuing the order within fourteen (14) days of the service date of the order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

MICROFILMED
OCT 07 1996

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

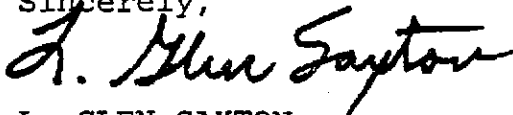
FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The agency may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

cc: IDWR - Region

MICROFILMED
OCT 07 1996

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 63-12284 IN)
THE NAME OF MAURICE BROWN AND)
63-12290 IN THE NAME OF RON)
RANDALL)
_____)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protest against approval of two (2) applications for permit, the department having held a conference and a hearing in the matter, the hearing officer recommends the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 23, 1995, Maurice Brown (Brown) filed Application for Permit No. 63-12284 (application) with the department proposing the diversion of 0.01 cubic feet per second (cfs) of water from a spring to be diverted in Lot 4 (NENWNW) Section 5, T3N, R4E, B.M., Boise County to be used year-round for domestic purposes for one (1) home.

2. On October 23, 1995, Ron Randall (Randall) also filed Application for Permit No. 63-12290 (application) with the department proposing the diversion of 0.04 cfs of water from a spring to be diverted in Lot 4 (NENWNW) Section 5, T3N, R4E, B.M., Boise County to be used year-round for stockwater and domestic purposes for one (1) home.

3. The department published notice of the application which was subsequently protested by Joseph B. Allen (Allen or protestant).

4. On February 21, 1996, the department conducted a hearing in the matter. The applicants were present and represented themselves. The protestant was present and represented himself.

5. Issues identified by the protestant include all six (6) potential issues which are described in Section 42-203A, Idaho Code.

6. Exhibits offered and accepted as a part of the record include the following:

a. Applicant's Exhibits 1 and 2 - Photographs of protestant

Joe Allen's irrigated pasture.

b. Protestant's Exhibits A through H - Photographs of protestant Joe Allen's property.

7. In 1989, Brown filed a Snake River Basin Adjudication (SRBA) claim with the department as follows:

Ident No: A63-05161A
Priority: September 1, 1918
Rate of div: 0.01 cfs
Source: Spring tributary to Robie Creek
Pt of div: Lot 4 (NENWNW) Section 5, T3N, R4E, B.M.
Use: Domestic - 1 home
Basis of right: Statutory claim

8. In 1989, Erna Hoover filed a SRBA claim with the department which in 1993 was assigned to Allen claiming the following:

Ident No: A63-05161B
Priority: October 23, 1906
Rate of div: 0.04 cfs
Source: Spring tributary to Robie Creek
Pt of div: Lot 4 (NENWNW) Section 5, T3N, R4E, B.M.
Uses: Domestic - 1 home
Irrigation - 5 acres
Basis of right: Statutory claim

9. The applicants and the protestant all currently obtain water from the spring source. Randall's mobile home was moved onto the property in 1976 by Erna Hoover who used water from the spring. In July 1993, Randall purchased the mobile home and property from Erna Hoover. Brown has used water from the spring for 12 to 14 years (since about 1983). Allen moved onto his property in 1988.

10. On October 24, 1995, the department conducted a field examination at the request of Allen. The department measured nine (9) gallons per minute from the spring source available for irrigation use by the protestant and determined that the protestant irrigates about 0.7 acres.

11. Brown's diversion and distribution facility is upgradient from the common system used by Allen and Randall. The Brown system includes a 1,100 gallon storage tank and the Allen/Randall system includes a 1,300 gallon storage tank.

12. During the time that the three homes have been connected to the spring source, the spring has provided sufficient water for the three (3) domestic connections.

13. In an addendum dated June 13, 1993 to the Purchase and Sale Agreement between Allen and Erna Hoover (former owner of the

property involved), Allen agreed to let Brown and Randall use water from the spring.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor...

2. Approval of the applications will not reduce the quantity of water under existing water rights if the permits are issued with certain conditions and limitations.

3. The water supply available is sufficient for the purposes intended, provided the maximum rate of flow for the Randall application is reduced.

4. The applications are made in good faith and not for delay or speculative purposes.

5. The applicants have sufficient financial resources with which to complete the projects since the projects are existing.

6. The applications do not conflict with the local public interest.

7. The applications are not contrary to the conservation of water resources within Idaho.

8. The department should approve the applications with certain conditions and limitations.

ANALYSIS

While the flow measured by the department during its field examination is likely less than the combined flow rates for the

three (3) domestic uses once the Allen right is determined, the single measurement should not be considered as the maximum rate of flow available from the spring at other times of the year.

By signing the addendum to the Purchase and Sale Agreement on June 13, 1993, the protestant appears to have either agreed to convey a portion of an existing water right to the applicants or to have waived the right to oppose the applicants' appropriation of water from the spring source. Since the protestant's water right has not been determined by the SRBA court, and since there has been enough water in the spring for past uses of the protestant and the applicants, the department should approve the applications.

If the SRBA court awards a water right to Brown pursuant to SRBA claim No. A63-05161A, the right should be considered as a replacement for the water right represented by Permit No. 63-12284, and not an addition to it.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Permit Nos. 63-12284 and 63-12290 are APPROVED subject to the following conditions and limitations.

63-12284 - MAURICE BROWN

1. Use of water under the right is subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date in the Final Order issued by the department.
3. Domestic use is for one (1) home.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Use of water under this right is subject to the control by the watermaster of State Water District No. 63.
6. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.
7. Approval of this permit is predicated upon allowing reasonable use of the spring by the protestant pursuant to the protestant's unadjudicated SRBA claim and shall not in itself be the basis for shutting off the unadjudicated claim of the protestant during times of water shortage.

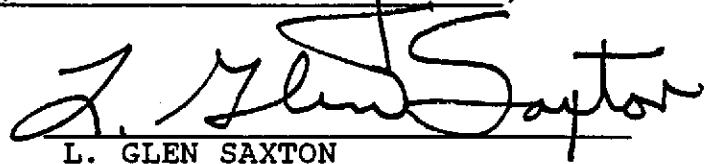
63-12290 - RON RANDALL

1. Use of water under the right is subject to all prior

water rights.

2. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date in the Final Order issued by the department.
3. Domestic use is for one (1) home.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. The stockwater use shown on the application is considered to be included within the domestic use and is not a separate authorized use. The maximum rate of diversion authorized for domestic use under this right shall not exceed 0.01 cfs.
6. Use of water under this right is subject to the control by the watermaster of State Water District No. 63.
7. Use of water for domestic purposes under this right shall be limited to in-house use and watering of household stock.
8. Approval of this permit is predicated upon allowing reasonable use of the spring by the protestant pursuant to the protestant's unadjudicated SRBA claim and shall not in itself be the basis for shutting off the unadjudicated claim of the protestant during times of water shortage.

Signed this 26th day of February, 1996.


L. GLEN SAXTON
Hearing Officer

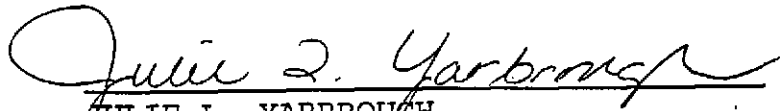
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26th day of February, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
RECOMMENDED ORDER to the following:

Maurice Brown
HC 33 Box 2002
Boise, ID 83706

Ron Randall
HC 33 Box 2030
Boise, ID 83706

Joseph B. Allen
HC 33 Box 2032
Boise, ID 83706


JULIE L. YARBROUGH
Senior Secretary

ADDENDUM # 1 (1, 2, 3, etc.)

THIS IS AN ADDENDUM TO A PURCHASE AND SALE AGREEMENT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS, CAREFULLY, BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

This is an ADDENDUM to the Real Estate Purchase and Sale Agreement and Receipt for

Earnest Money Dated: June 13, 1993 ID # 151653

ADDRESS: Robie Creek HC 33 - see legal attachment

BUYER (S) Mr Joseph Allen

SELLER (S) Mrs Erna Hoover

The undersigned Parties hereby agree as follows:

1. Seller to carry back a Note of \$10,000 secured by a First Deed of Trust. Said note to be amortized over 5 years at 9% interest per annum. Title Co. to set up long term escrow.

2. Seller to agree to transfer existing water rights to buyer.

3. Buyer agrees to honor present spring water agreement between Erna Hoover and Maurice and Delva Brown.

4. Buyer agrees to allow the owners of adjacent mobile home property use of the spring water.

5. Buyer as owner of water rights must have right of way to maintain the springs.

6. Buyer agrees that the seller Erna Hoover will retain the mineral rights in the real property below 300 ~~feet~~ with no right of surface entry.

7. Buyer agrees to accept the home and the real property in an "as is" condition.

The herein agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement.

Joseph B. Allen BUYER

Erna Hoover SELLER

BUYER

SELLER

DATED: June 13, 1993

DATED: June 13, 1993

TIME: _____ ☐ A.M. ☐ P.M.

TIME: _____ ☐ A.M. ☐ P.M.

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REAL ESTATE PURCHASE AND SALE AGREEMENT

(with Earnest Money Provision)

RE-21
Rev. 11-81

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

Boise, Idaho December 4, 1985

MAURICE C. BROWN AND DEBRA R. BROWN

(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in

Boise, County of Ada

State of Idaho, commonly known as A portion of Flowing Springs Ranch

legally described as: 5 + acres and double wide Sahara mobile home. Exact legal upon survey

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

* 1. TOTAL PURCHASE PRICE IS Thirty Five Thousand Seven Hundred and no/100-----
DOLLARS (\$ 35,700.00) payable as follows:

A. Earnest Money.
(a) Buyer hereby deposits and a receipt is hereby acknowledged of Fifteen Hundred and ~~400~~ Dollars (\$ 1,500.00)

evidenced by: ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or
paid or delivered as earnest money in part payment of the purchase price for the premises.

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

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

B. Balance of purchase price to be paid as follows: 1) Earnest money receipted by seller as down payment. 2) Buyer to assume approximately \$15,700 owing on mobile home. 3) Twenty Thousand for land less down payment shall be on trust deed payable in annual payments for 5 years with no interest and then interest at 12% per annum until paid in full. 4) Each party to pay 1/2 escrow fees, buyer to reimburse seller for 1/2 attorney fees. 5) Escrow to be at company agree upon by both parties. No pre-payment penalty. 6) Payment on land shall be \$1,500 per year until paid in full. 7) Each party shall pay 1/2 survey costs.

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

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

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

5. It is hereby agreed that the "closing agent" for this agreement shall be John R. Hansen, Attorney at law is the broker responsible for the closing.

Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be on or before Feb. 1, 1986

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

7. Seller shall deliver possession to Buyer on or before December 15, 1985, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of possession except as follows:

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

8. The parties agree that this agreement contains the following additional terms and conditions: Buyer shall rent at 370/month until closing. Buyer has access to Spring water until other property is sold to developer.

* Price is \$4,000 acre for 5 acres and \$2,000 acre for any additional acreage.

9. The following items of property now on the premises are specifically excluded from the sale: Personal property and furniture.

The following items of personal property are specifically included in the sale: Stove, refrigerator, and drapes.

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

Listing Agency:

None

Selling Agency:

None

BUYER

Maurice Brown
Debra R. Brown

By:

120 Highland #C

Buyer's Address

Buyer's Phone

345-4523 Home
384-4230 Work

On this date,

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

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

SELLER

Lester Hoover
Erna Hoover

Seller's Address

Seller's Phone

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this 6 day of December 1985

BUYER

Maurice Brown
Debra R. Brown

BUYER

Legal Description To follow
Debra R. Brown

STATE OF IDAHO

County of

ADA

On this 5th day of December, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Lester Hoover and Erna Hoover

known to me to be the person(s) who signed the foregoing instrument as Seller and acknowledged to me that they executed the same.