

BOISE COUNTY 015
BOISE DISTRICT SEC 15STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

[illegible]

1 09307 Det PL 167 (Act of Cong 7/23/1955)
completed 3/30/1965. All PD surface Mgmt by BLM
excluding

11 09307-E-1 Sec 3 SE; Seventy Four
11 09307-E-2 Sec 3 N; Bar

05-307-N-1	Sec 29	Association Placer
09-307-N-2	Sec 29 NB	Association No 1
09-307-N-3	Sec 29 S	Association No 2
09-307-N-4	Sec 29 NB	Black Hawk NE 2

1 08803 Det PL 167 (Act of Cong 7/23/1955)
completed 11/24/1965. All WF surface byat by
USFS excluding

1 08803-1-4 Sec 20 SW¹ Sec 20 NW¹ 22

1 06803-1-5 Sec 29 D₁¹. Sec 30 E₁¹

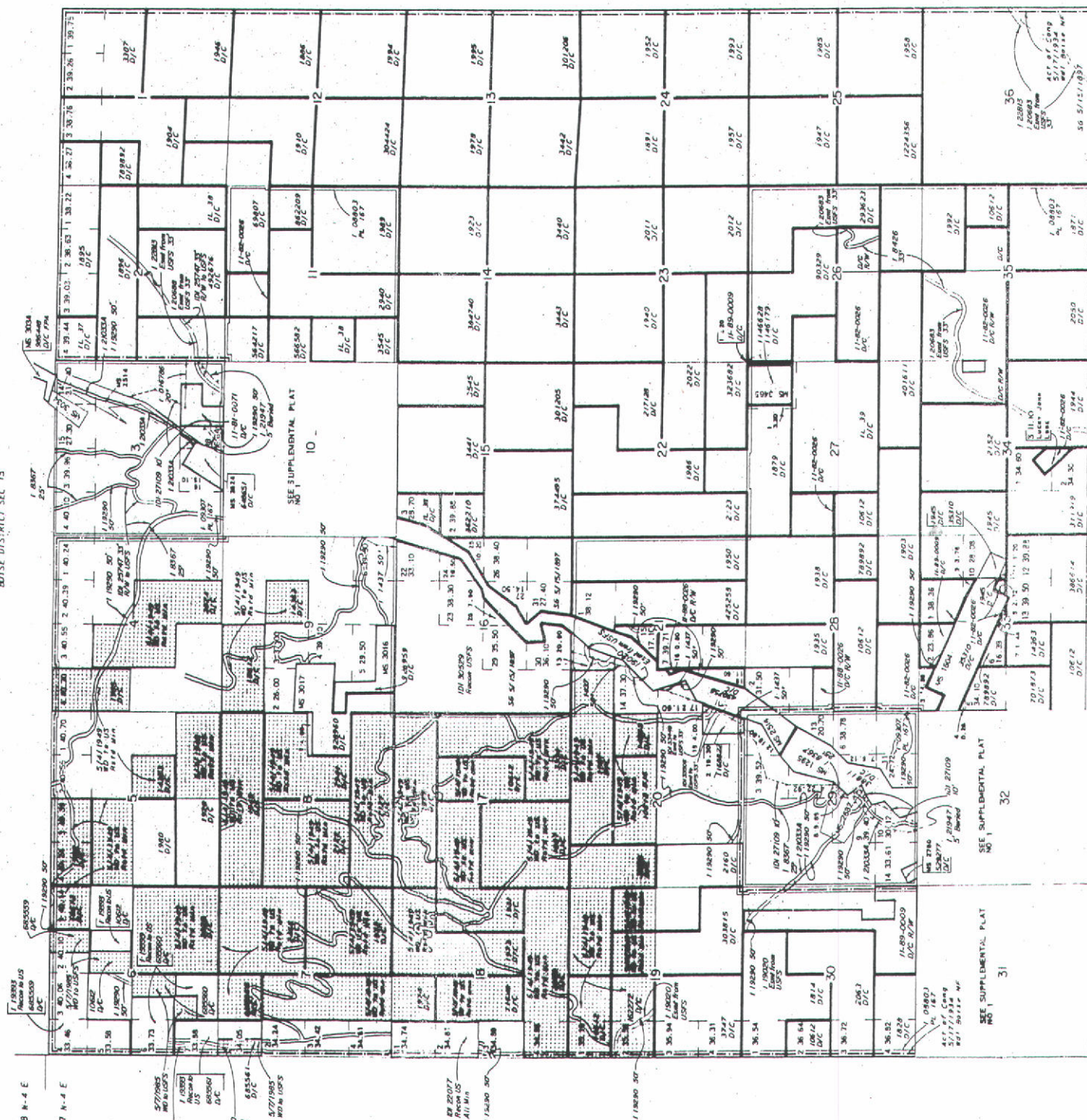
1 08803-1-6 Sec 29 NW 1, Sec 30 NE 1

1 08803-1-7 Sec 29 NB; ASSOCIATED NO. 2

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
UNIDENTIFIED LANDS

CURRENT TO

JAN 11 2002

[illegible]

TOWNSHIP 7 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

BOISE COUNTY OIS
BOISE DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO SEGREGATED TRACTS		
TRACT NO.	SEC.	SECTION
1	1	1
2	1	2
3	1	3
4	1	4
5	1	5
6	1	6
7	1	7
8	1	8
9	1	9
10	1	10
11	1	11
12	1	12
13	1	13
14	1	14
15	1	15
16	1	16
17	1	17
18	1	18
19	1	19
20	1	20
21	1	21
22	1	22
23	1	23
24	1	24
25	1	25
26	1	26
27	1	27
28	1	28
29	1	29
30	1	30
31	1	31
32	1	32
33	1	33
34	1	34
35	1	35
36	1	36

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 3 31 Sec 20 21
1 000000-1-1 Sec 3 31 Sec 20 21

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

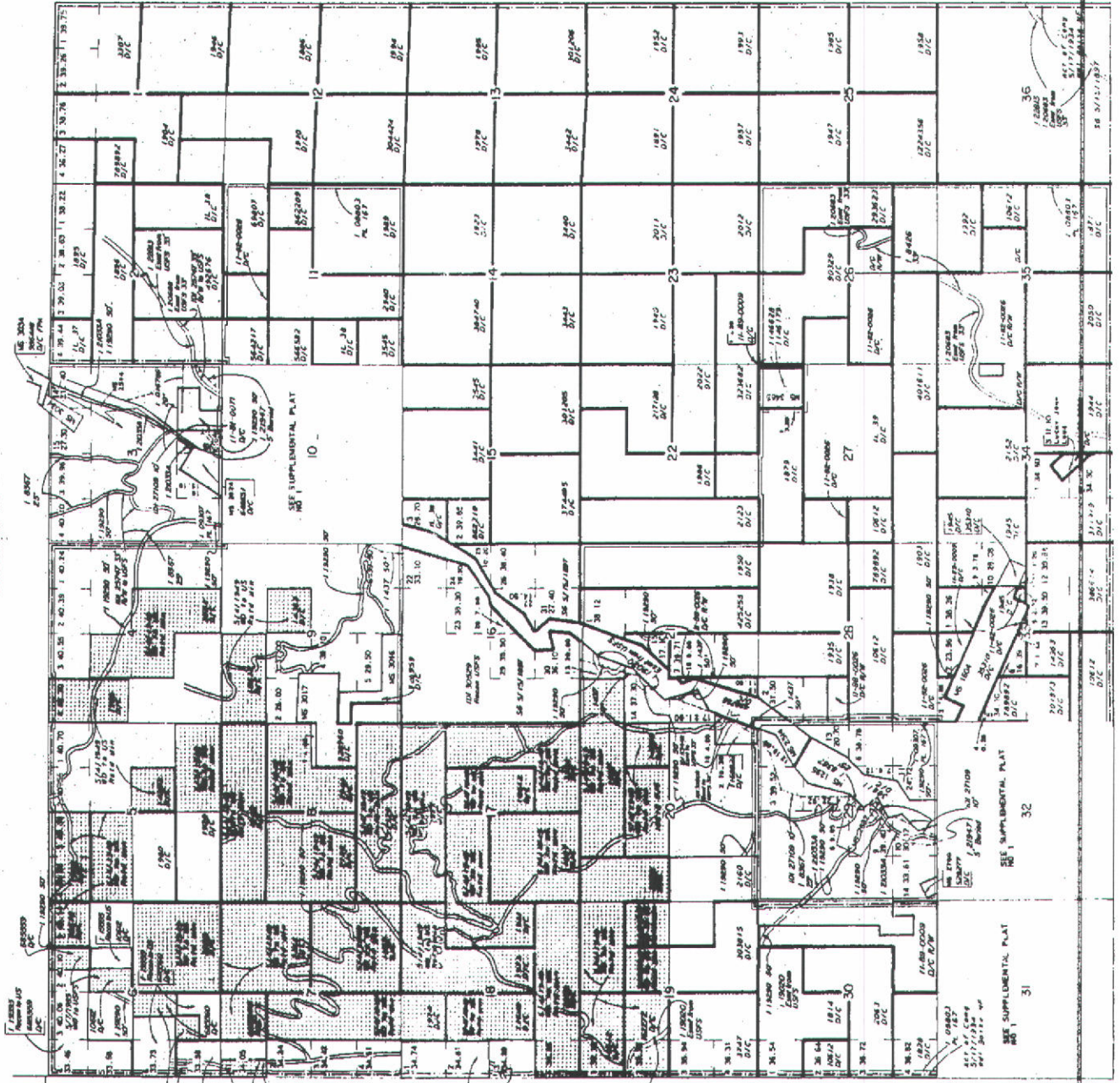
1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding

1 000000-1-1 Sec 20 21 Association Placer
completed 3/30/1963. All PD surface right by RLP
excluding



32

SEE SUPPLEMENTAL PLAT
NO. 31

SEE SUPPLEMENTAL PLAT
NO. 30

SEE SUPPLEMENTAL PLAT
NO. 29

SEE SUPPLEMENTAL PLAT
NO. 28

SEE SUPPLEMENTAL PLAT
NO. 27

SEE SUPPLEMENTAL PLAT
NO. 26

SEE SUPPLEMENTAL PLAT
NO. 25

SEE SUPPLEMENTAL PLAT
NO. 24

SEE SUPPLEMENTAL PLAT
NO. 23

SEE SUPPLEMENTAL PLAT
NO. 22

SEE SUPPLEMENTAL PLAT
NO. 21

SEE SUPPLEMENTAL PLAT
NO. 20

SEE SUPPLEMENTAL PLAT
NO. 19

SEE SUPPLEMENTAL PLAT
NO. 18

SEE SUPPLEMENTAL PLAT
NO. 17

SEE SUPPLEMENTAL PLAT
NO. 16

SEE SUPPLEMENTAL PLAT
NO. 15

SEE SUPPLEMENTAL PLAT
NO. 14

SEE SUPPLEMENTAL PLAT
NO. 13

SEE SUPPLEMENTAL PLAT
NO. 12

SEE SUPPLEMENTAL PLAT
NO. 11

SEE SUPPLEMENTAL PLAT
NO. 10

SEE SUPPLEMENTAL PLAT
NO. 9

SEE SUPPLEMENTAL PLAT
NO. 8

SEE SUPPLEMENTAL PLAT
NO. 7

SEE SUPPLEMENTAL PLAT
NO. 6

SEE SUPPLEMENTAL PLAT
NO. 5

SEE SUPPLEMENTAL PLAT
NO. 4

SEE SUPPLEMENTAL PLAT
NO. 3

SEE SUPPLEMENTAL PLAT
NO. 2

CORRECT TO
JAN 1 1900

SEE SUPPLEMENTAL PLAT
NO. 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

SEE SUPPLEMENTAL PLAT
NO. 1

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #3
POINT OF DIVERSION
FROM SLAUGHTER
HOUSE GULCH



PHOTO #4
MANNING SITE IN
SLAUGHTER HOUSE
GULCH

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #5
PUMPS USED IN THE
MINING OPERATION



PHOTO #6
MINING EQUIPMENT

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #1
POINT OF DIVERSION
FROM TOWN CREEK



PHOTO #2
MANNING SITE IN
TOWN CREEK

T07N, R05E

63-5236

POINTS OF DIVERSION



20

NENE

SWNW

29

NESW

MS
2682

LOT 9

SWSW

32

T07N, R05E

63-5236

POINTS OF DIVERSION







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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5236
Date Received: 4/21/89
Receipt No: C006469
Received By:

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

1. Name of Claimant(s)

TED C SCHARFF Phone: (208)336-7079

3900 E AMITY RD #15
BOISE ID USA 83716

DARLENE L SCHARFF Phone: (208)336-7079

3900 E AMITY RD #15
BOISE ID USA 83716

2. Date of Priority: ~~03/01/1922~~

4-28-89 - Amended - see original claim

3. Source: SLAUGHTERHOUSE GULCH CREEK , TOWN CREEK Trib. to: GRIMES CREEK , GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	05E	20	SW SW	BOISE	
07N	05E	29	SW NW	BOISE	
07N	05E	30	SE NE	BOISE	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose
MINING

From To C.F.S.
3/01 ~~6/15~~-2

(or) A.F.A

11-1 - Amended

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07N	05E	29	NE	NW		MINING	
			NW	NW		MINING	
			SW	NW		MINING	
			SE	NW		MINING	
			NE	SW		MINING	
			NW	SW		MINING	
			NW	SE		MINING	
07N	05E	30	NE	NE		MINING	
			SE	NE		MINING	
			NE	SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SOURCES ARE TOWN GULCH & SLAUGHTER HOUSE GULCH, TRIB. GRIMES CK.

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.

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

JUL 16 2001

WATER RESOURCES
WESTERN REGION

Claim Number(s):

463-5236

Previous Mailing Address:

New Mailing Address:

Ted G. Scharff

3900 E. Amity Rd #15

Boise Idaho 83716

Telephone Number:

(208) 336-7079

Signature of Claimant(s):

Ted G. Scharff

Please return this completed form to:

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

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

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

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05236
Date Received: 4/21/1989
Receipt No: C006469
Received By: *Gr*

amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED C. SCHARFF 208-362-5654
Address: 6610 SO. MAPLE GROVE
BOISE, ID 83709

OR

Name: DARLENE L. SCHARFF 208-362-5654
Address: 6610 SO. MAPLE GROVE
BOISE, ID 83709

2. Date of Priority: *4-28-1891* *Red* *amended*
~~MAR 01, 1922~~ *11-5-2001*

3. Source: TOWN GULCH Trib. to: GRIMES CREEK
SLAUGHTER HOUSE GULCH GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05E	20	SW	SW			BOISE
		29	SW	NW			BOISE
		30	SE	NE			BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	03/01	~~06/15~~	2.000		

7. Total Quantity Appropriated is: *1115-11* *10-3-2001*
2.000 C.F.S. (and/or) *amended* A.F.A.

8. Total consumptive use is *File-8* Acre Feet Per Annum.

9. Non-irrigation uses:

A63-05236

Page 1

Date: 07/12/89

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	05E	29	NE		NW		MINING	
			NW		NW		MINING	
			SW		NW		MINING	
			SE		NW		MINING	
			NE		SW		MINING	
			NW		SW		MINING	
		30	NW		SE		MINING	
			NE		NE		MINING	
			SE		NE		MINING	
			NE		SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SOURCES ARE TOWN GULCH & SLAUGHTER HOUSE GULCH, TRIB. GRIMES CK.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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): *Paul L. Schaff* Date: 7-12-89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of July 19 89 *Donna E. Luthy*
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

CHANGE IN OWNERSHIP

[] Water Right Number(s): A63-5236

[] Name and Address of
Former Claimant: ELMER, LEWIS G.
1624 JESSIE ST.
BOISE, ID 83705

[] New Claimant(s): SCHARFF, TED C.

[] New Mailing Address: 6610 SO. MAPLE GROVE
BOISE, ID 83709

New Telephone Number: 208) 362-5654

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: QUIT CLAIM DEED

[] Signature of New Claimant(s): Ted C. Scharff

Date: JULY 12, 1989

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

AUG 21 1992

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: A63-05236
Date Received: 4/21/1989
Receipt No: C006469
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEWIS G. ELMER
Address: 1624 JESSIE ST.
BOISE, ID 83705 208-342-7259

2. Date of Priority: MAR 01, 1922

3. Source: TOWN GULCH Trib. to: GRIMES CREEK
SLAUGHTER HOUSE GULCH GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05E	20		SW	SW		BOISE
		29		SW	NW		BOISE
		30		SE	NE		BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	03/01	06/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05E	29	NE	NW		MINING	

A63-05236

Page 1

Date: 04/25/89

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	05E	29	NW		NW		MINING	
			SW		NW		MINING	
			SE		NW		MINING	
			NE		SW		MINING	
			NW		SW		MINING	
		30	NW		SE		MINING	
			NE		NE		MINING	
			SE		NE		MINING	
			NE		SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SOURCES ARE TOWN GULCH & SLAUGHTER HOUSE GULCH, TRIB. GRIMES CK.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05236
Date Received: 4/21/1989
Receipt No:
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEWIS G. ELMER 208-342-7259
Address: 1624 JESSIE ST.
BOISE, ID 83705

2. Date of Priority: MAR 01, 1922

3. Source: TOWN GULCH Trib. to: GRIMES CREEK
SLAUGHTER HOUSE GULCH GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05E	20		SW	SW		BOISE
		29		SW	NW		BOISE
		30		SE	NE		BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	03/01	06/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	05E	29	NE	NW		MINING	

A63-05236

Page 1

Date: 04/21/89

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	05E	29	NW		NW		MINING	
			SW		NW		MINING	
			SE		NW		MINING	
			NE		SW		MINING	
			NW		SW		MINING	
			NW		SE		MINING	
		30	NE		NE		MINING	
			SE		NE		MINING	
			NE		SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SOURCES ARE TOWN GULCH & SLAUGHTER HOUSE GULCH, TRIB. GRIMES CK.

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: 0

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): X Lewis A. Elmer Date: X April 21, 1989
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of April 19 89
Seal
Residing at _____
My Commission Expires _____

Bruce A. Schuch
Notary Public
BRUCE A. SCHUCH, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Lewis G. Elmer
(Name of Claimant)
1624 Jessie St. - Boise - Id 83705 Telephone No. 342-7259
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1922

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Lower Huleh and Slaughter House tributary to Grimes Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: It is used for mining purposes in the spring and early summer or as long as it lasts till it dries up.
(Domestic, Irrigation, Stock, Etc.) (Both dates inclusive) (Mo., Day) (Mo., Day)

Quantity <u>2 cfs</u>	Use <u>Placer mining</u>	Period of Use From <u>Mar 1</u> To <u>June 15</u>
Quantity _____	Use _____	Period of Use From _____ To _____
Quantity _____	Use _____	Period of Use From _____ To _____
Quantity _____	Use _____	Period of Use From _____ To _____
Quantity _____	Use _____	Period of Use From _____ To _____

- (4) 2 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

SW 1/4 SW 1/4, Sec. 29 T7N R5E B.M., County of Boise

Additional points of diversion: S.W. 1/4 NW 1/4 Sec. 29 - T7N, R5E - B.M. - Boise County

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. By ditch from a small dam in sec. 29 - approximately 2 ft wide bottom - 2 ft. high and 40 ft wide on top - from winding around about a mile long to 1 1/2 miles to get to farthest point on claims.

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	5E	29					X	X	X	X	X	X				X			238
7N	5E	30	X			X									X				60

No. of acres _____

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

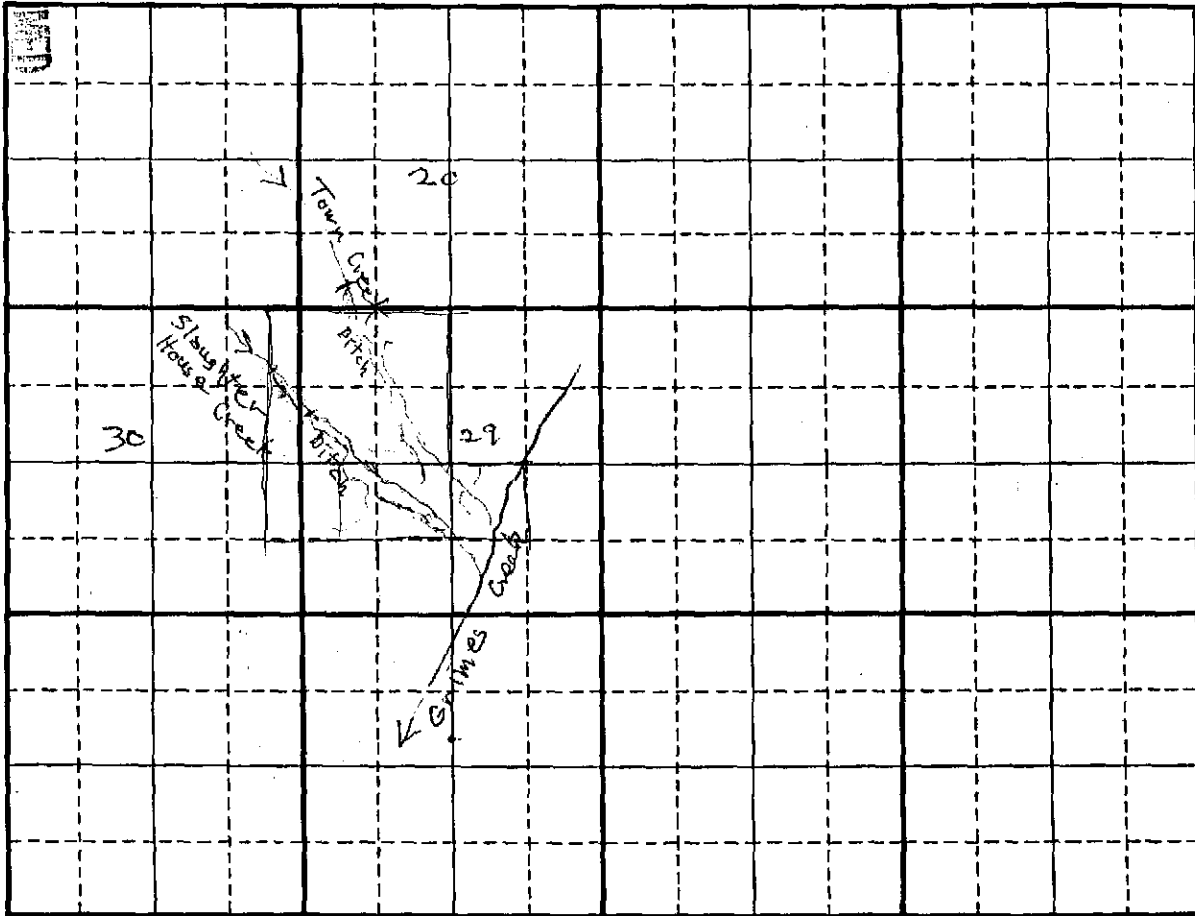
NOTE: Include here the type and number of stock watered: _____

If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

AUG 21 1992

(8) Remarks: Shelby 1471 bought claim from Lewis Elmer and was a claim Jan. 2, 1922 and worked with water from the ditch that presently use.



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 Gem) 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.

Lewis S. Elmer
(Claimant)

Sworn to before me this 20 day of May, 1983.

Emmett
Notary Public
Residing at Emmett

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by DBS Date 5/20/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JS Date 6/8/83 claimant by: _____
\$30.00 fee received by DBS Date 5/24/83 # 28869
Published in Idaho Usual
Dates 1/26 & 2/2/84 5/30 & 6/10/84

MICROFILMED

AUG 21 1992

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: A63-05236
Date Received: 4/21/1989
Receipt No:
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEWIS G. ELMER
Address: 1624 JESSIE ST.
BOISE, ID 83705 208-342-7259

2. Date of Priority: MAR 01, 1922

3. Source: TOWN GULCH
SLAUGHTER HOUSE GULCH Trib. to: GRIMES CREEK
GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05E	20		SW	SW		BOISE
		29		SW	NW		BOISE
		30		SE	NE		BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	03/01	06/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05E	29	NE	NW		MINING	

A63-05236

Page 1

Date: 04/21/89

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	05E	29	NW		NW		MINING	
			SW		NW		MINING	
			SE		NW		MINING	
			NE		SW		MINING	
			NW		SW		MINING	
		30	NW		SE		MINING	
			NE		NE		MINING	
			SE		NE		MINING	
			NE		SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

SOURCES ARE TOWN GULCH & SLAUGHTER HOUSE GULCH, TRIB. GRIMES CK.

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: 0

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): X Lewis J. Elmes Date: X April 21, 1989
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of April 19 89

Seal

Bruce A. Schuch
Notary Public
BRUCE A. SCHUCH, NOTARY PUBLIC
RESIDING AT OXGE, IDAHO
Residing at MY COMMISSION EXPIRES APRIL 11, 1993
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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 19576)
)
) Water Right 63-05236

2003 OCT 14 PM 2:03

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

NAME AND ADDRESS: DARLENE L SCHARFF
TED C SCHARFF
3900 E AMITY RD #15
BOISE, ID 83716

SOURCE: SLAUGHTERHOUSE GULCH CREEK TRIBUTARY: GRIMES CREEK
TOWN CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 07/26/1914

POINT OF DIVERSION: T07N R05E S20 SWSW Within Boise County
S29 SWNW
S30 NENE

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

PLACE OF USE: Mining Within Boise County
T07N R05E S29 LOT 9 (NESW) LOT 8 (NWSE)

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

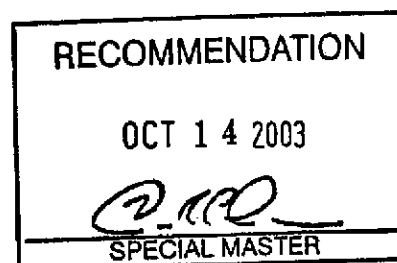
THE USE OF WATER UNDER THIS RIGHT WITHIN UNPATENTED MINING CLAIMS
IS DEPENDENT ON THE VALIDITY OF THE UNPATENTED MINING CLAIMS
PURSUANT TO FEDERAL LAW.

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

RULE 54(b) CERTIFICATE

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

Presiding Judge of the
Snake River Basin Adjudication



COPY - WHEN SIGNED



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

In Reply Refer To:
7250 (933b)

July 21, 2003

Mr. Ted C. Scharff
Mrs. Darlene L. Scharff
3900 E. Amity Rd #15
Boise Idaho, 83716

RE: Water Right Claim Number 63-05236 (Claimants: Ted and Darlene Scharff)

Dear Mr. & Mrs. Scharff:

Enclosed is a Standard Form 5 (SF-5) that would resolve BLM's objection to the above-referenced water right claim. An SF-5 is a stipulation between you and the United States that your water right should be decreed as described on page two of the SF-5. If you agree with the proposed settlement of the BLM's objection, please sign the SF-5 in the spaces provided and place your initials on page two.

Please mail the SF-5 back to me in the enclosed postage paid, addressed Federal Express envelope. I will send the documents to our attorney, Mr. Larry Brown, for his signature. Mr. Brown will mail the document to the Snake River Basin Adjudication District Court in Twin Falls for filing, and mail a copy to you.

If you have any questions or comments, please call Mr. Brown at (202) 305-0435.

Sincerely,

Casey O'Brien
Water Rights Specialist

Enclosures: (1) Standard Form 5, Subcase 63-05236

**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. 63-05236

) **Standard Form 5**

) **STIPULATED ELEMENTS
OF A WATER RIGHT**

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

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

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

CLAIMANTS:

Ted C. Scharff
Darlene L. Scharff

Ted C. Scharff
Ted C. Scharff

7-23-03
Date

Darlene L. Scharff
Darlene L. Scharff

7-23-03
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown Fwp Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Jan Whente

7-23-03
Date

IDWR CONCURRENCE:

Date

CERTIFICATE OF MAILING

I certify that on _____, 2003 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

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

2. Copy 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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Ted C. and Darlene L. Scharff
3900 E. Amity Rd. #15
Boise, Idaho 83716

Signature of person or attorney mailing the form

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716SOURCE: SLAUGHTERHOUSE GULCH CREEK
TOWN CREEKTRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: ~~04/28/1891~~ 7/26/1914

POINT OF DIVERSION:

T07N R05E S20 SWSW Within BOISE County

T07N R05E S29 SWNW Within BOISE County

T07N R05E S30 NENE Within BOISE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

MINING

03/01 11/01

2.000 CFS

PLACE OF USE: MINING Within BOISE County

T07N R05E S29 Lot 9 NESW

T07N R05E S29 Lot 8 NWSE

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

The use of water under this right within unpatented mining claims is dependent on the validity of the unpatented mining claims pursuant to federal law.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

D.L.S.

Shurte, Jan

From: Shurte, Jan
Sent: Monday, July 21, 2003 10:08 AM
To: 'casey_o'brien@blm.gov'
Cc: 'fred_price@blm.gov'; Spencer, Nick
Subject: Objection Resolution Recommendation - Ted Scharff - 63-5236

Hi Casey,

Per our phone conversation and information from BLM, attached is the revised recommendation for Ted Scharff. I have changed the priority date, added Lot 8 and 9 to the place of use description and added the remark from the settlement on 63-314 as discussed with Fred. When you need my signature just give me a call.

Thanks,
Jan



Recommendation
for Rt No 63-52...

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716SOURCE: SLAUGHTERHOUSE GULCH CREEK
TOWN CREEKTRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: ~~04/20/1891~~ 7/26/1914

POINT OF DIVERSION:

T07N R05E S20 SWSW Within BOISE County
T07N R05E S29 SWNW Within BOISE County
T07N R05E S30 NENE Within BOISE CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINING	03/01 11/01	2.000 CFS

PLACE OF USE: MINING Within BOISE County

T07N R05E S29 Lot 9 NESW

T07N R05E S29 Lot 8 NWSE

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

The use of water under this right within unpatented mining claims is dependent on the validity of the unpatented mining claims pursuant to federal law.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

Shurte, Jan

From: Fred_Price@blm.gov
Sent: Monday, July 07, 2003 10:41 AM
To: jshurte@idwr.state.id.us; mshulte@idwr.state.id.us
Cc: bharvey@idwr.state.id.us
Subject: 63-05236 Scharff

Jan,

A 07-26-1914 priority date would be acceptable to BLM, as one of the recommended POU's (Lot 9 (NESW)) lies within the Association mining claim and was located on that date. The other POU (Lot 8 (NWSE)) could be added as an accomplished change even though the Association #2 mining claim wasn't located until 01-02-1922.

Lots need to be added to the tracks listed under the POU's: NESW should be Lot 9 (NESW); and NWSE should be Lot 8 (NWSE).

I suggested a remark in BLM's objection that would need to be placed under "other provisions necessary...", and IDWR perfected some better language that was used in an unrelated subcase (63-00314 Poncia/Osler). The remark used in subcase 63-00314 reads as follows: "The use of water under this right within unpatented mining claims is dependent on the validity of the unpatented mining claims pursuant to federal law." Please include this remark under "other provisions."

Thank you for offering to prepare and circulate the SF-5 Jan! I think there is time for it to make it around to everyone prior to the hearing.

Fred

----- Forwarded by Fred Price/IDSO/ID/BLM/DOI on 07/07/2003 10:10 AM

```
----->
|               |
|               | Fred Price
|               |
|               | 05/22/2003 10:33
|               | AM
|               |
|----->
```

```
>-----
|
|
| To: mshulte@idwr.state.id.us
|
| cc: Casey O'Brien/IDSO/ID/BLM/DOI@BLM,
| larry.brown@usdoj.gov, Gary Madenford/IDSO/ID/BLM/DOI@BLM
|
```

| Subject: 63-05236 Scharff
|
>-----
-----|

Mel,

I got your call about Mr. Scharff having evidence that the Rustler Mining Claim dates back to 4-28-1891. What does the Rustler Mining Claim have to do with 63-05236? The Rustler Mining Claim lies in Section 20, T07N, R05E, and 63-05236 describes places of use in Section 29. The Rustler Mining Claim lies 3/4 of a mile upgradient from the recommended places of use.

Question 1 on the Notice of Water Right Claim for 63-05236 filed by Lewis Elmer asserts a 1922 priority. Question 8 on the Notice of Claim for 63-05236 states that the claim is based upon a mining claim staked January 2, 1922. The claimed place of use and this 01-02-1922 date coincide with the Association #2 Mining Claim. Mr. Scharff did purchase Mr. Lewis G. Elmer's interest in the Association #2 and several other mining claims. Just because Mr. Scharff owns an interest in very old mining claims elsewhere, doesn't mean that those unrelated interests can tack onto the use claimed. One cannot establish a priority date prior to the staking and recording of a mining claim pursuant to the mining laws, as that would constitute a trespass.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(208) 373-3831

Schulte, Mel

From: Harvey, Becky
Sent: Thursday, May 22, 2003 3:49 PM
To: Schulte, Mel
Subject: FW: 63-05236 Scharff

Here is an e-mail from Fred.

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Thursday, May 22, 2003 3:43 PM
To: BHARVEY@idwr.state.id.us
Subject: 63-05236 Scharff

Becky,

This message to Mel got bounced back to me. Can you see that he gets it?

Fred

----- Forwarded by Fred Price/IDSO/ID/BLM/DOI on 05/22/2003 03:41 PM -----

	Fred Price
	05/22/2003 10:33 AM

>-----

|
|
| To: mshulte@idwr.state.id.us
|
| cc: Casey O'Brien/IDSO/ID/BLM/DOI@BLM,
| larry.brown@usdoj.gov, Gary Madenford/IDSO/ID/BLM/DOI@BLM
|
| Subject: 63-05236 Scharff
|
>-----

Mel,

I got your call about Mr. Scharff having evidence that the Rustler Mining Claim dates back to 4-28-1891. What does the Rustler Mining Claim have to do with 63-05236? The Rustler Mining Claim lies in Section 20, T07N, R05E, and 63-05236 describes places of use in Section 29. The Rustler Mining Claim lies 3/4 of a mile upgradient from the recommended

places of use.

Question 1 on the Notice of Water Right Claim for 63-05236 filed by Lewis Elmer asserts a 1922 priority. Question 8 on the Notice of Claim for 63-05236 states that the claim is based upon a mining claim staked January 2, 1922. The claimed place of use and this 01-02-1922 date coincide with the Association #2 Mining Claim. Mr. Scharff did purchase Mr. Lewis G. Elmer's interest in the Association #2 and several other mining claims. Just because Mr. Scharff owns an interest in very old mining claims elsewhere, doesn't mean that those unrelated interests can tack onto the use claimed. One cannot establish a priority date prior to the staking and recording of a mining claim pursuant to the mining laws, as that would constitute a trespass.

Fred Price
Water Rights Specialist
BLM, Idaho State Office
(208) 373-3831

Memorandum

Ted Scharff
336-7079

Date: March 18, 2003

From: Craig L. Saxton

To: Jan Shurte
Mel Schulte

Re: BLM Objection to SRBA recommendation 63-05236

*6-23 - per Ted -
1914 is OK - he
will contact Fred*

I met with Ted Scharff on an OD walk in. His water right recommendation 63-05236 was objected to by the BLM.

Ted just wants to go ahead and make the change to a 1922 priority date and would like to do this before the hearings are scheduled.

Jan said that she had some questions about a remark added to the claim by the BLM stating...

"THIS RIGHT IS CONTINGENT UPON THE VALIDITY OF THE ASSOCIATED MINING CLAIMS UNDER STATE AND FEDERAL RULES, REGULATIONS, AND LAWS"

...and was going to contact Nick about it.

Jan stated that after speaking with Nick, IDWR could probably prepare an SF5 on this right and send it to the claimant and BLM to sign off on it.

I am passing this onto Jan for follow-up.

*6-23-03 - MRS SCHULTE SPOKE WITH
TED SCHARFF & THE 1914 PRIORITY DATE
IS OK - HE WILL CONTACT FRED PRICE.
7-7-03 - CALLED FRED PRICE TO CHECK STATUS
OF THIS PER MRS'S REQUEST. LEFT MESSAGE
313-3831 - FRED'S #.
7-7-03 - FRED PRICE CALLED - WILL DO SF5 WITH 1914
PRIORITY DATE & LOT 9 & LOT 8 IN S. 29 (PO4)
THEN ADD SAME REMARK AS IN 63-314. J*

Ted Scharff
Work 433-5540
Home 336-7079

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

In Re SRBA)

Case No. 39576)

A. Subcase 63-05236

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B.

NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

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

C.

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ted C. Scharff and Darlene L. Scharff

Address: 3900 E. Amity Road, #15; Boise, Idaho 83716

Name:

Address:;

Name:

Address:;

Name:

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: See attached
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The checked elements above are incorrect as recommended in the Director's Report. See attached for revised elements.

**VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

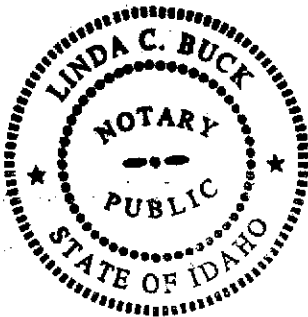
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

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

Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005



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.



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:

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: Ted C. and Darlene L. Scharff

Address: 3900 E. Amity Road #15; Boise, Idaho 83716

Name:

Address:;

Name:

Address:;

Name:

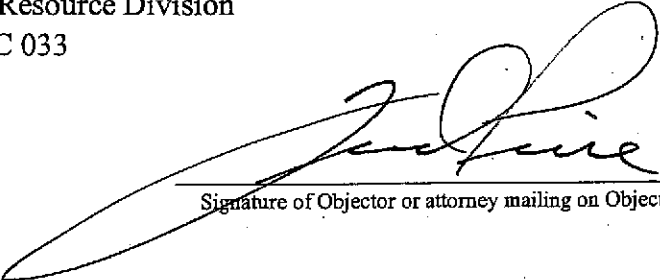
Address:;

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment 1

Director's Report Recommendation for 63-05236

09/24/2002

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

-ISSUES:

- Priority Date (Inaccurate)
- Place of Use (Inaccurate -missing "lots")
- Water right is contingent on validity of mining claims

SOURCE: SLAUGHTERHOUSE GULCH CREEK
TOWN CREEK

TRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/28/1891 THE "ASSOCIATION" MINING CLAIM WAS NOT LOCATED UNTIL 07-26-1914.

THE "ASSOCIATION #2" MINING CLAIM WAS NOT LOCATED UNTIL 01-02-1922.

POINT OF
DIVERSION: T07N R05E S20 SWSW Within BOISE County
T07N R05E S29 SWNW Within BOISE County
T07N R05E S30 NENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MINING

PERIOD OF USE
03/01 11/01

QUANTITY
2.000 CFS

PLACE OF USE: MINING Within BOISE County
T07N R05E S29 LOT 9 (NESW)

T07N R05E S29 LOT 8 (NWSE)

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

ANY WATER RIGHT FOR MINING PURPOSES ON FEDERAL PUBLIC LAND WOULD BE CONTINGENT UPON THE VALIDITY OF THE ASSOCIATED MINING CLAIMS. THE FOLLOWING REMARK SHOULD BE DECREED UNDER "OTHER PROVISIONS NECESSARY":

"THIS RIGHT IS CONTINGENT UPON THE VALIDITY OF THE ASSOCIATED MINING CLAIMS UNDER STATE AND FEDERAL RULES, REGULATIONS, AND LAWS."

THE PRIORITY DATE RECOMMENDED IS INACCURATE. THE POURS COINCIDE WITH THE ASSOCIATION AND ASSOCIATION #2 MINING CLAIMS, AND THEY WERE NOT ESTABLISHED UNTIL 07-26-1914 AND 01-02-1922, RESPECTIVELY.

Attachment 2

BLM Master Title Plat (MTP)
for T.07N. R.05E.

and Blowups

TOWNSHIP 7 NORTH RANGE 5 EAST OF THE BOISE MERIDIAN, IDAHO

BOISE COUNTY 015

HOUSE DISTRICT 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

[illegible]

09307 Det PL 167 (Act of Cong 7/23/1955)
completed 3/30/1965. All PD surface weight by GUM
including.

1 09307-E-1 Sec 3 SEt Seventy four
1 09307-E-3 Sec 3 #1 Bar

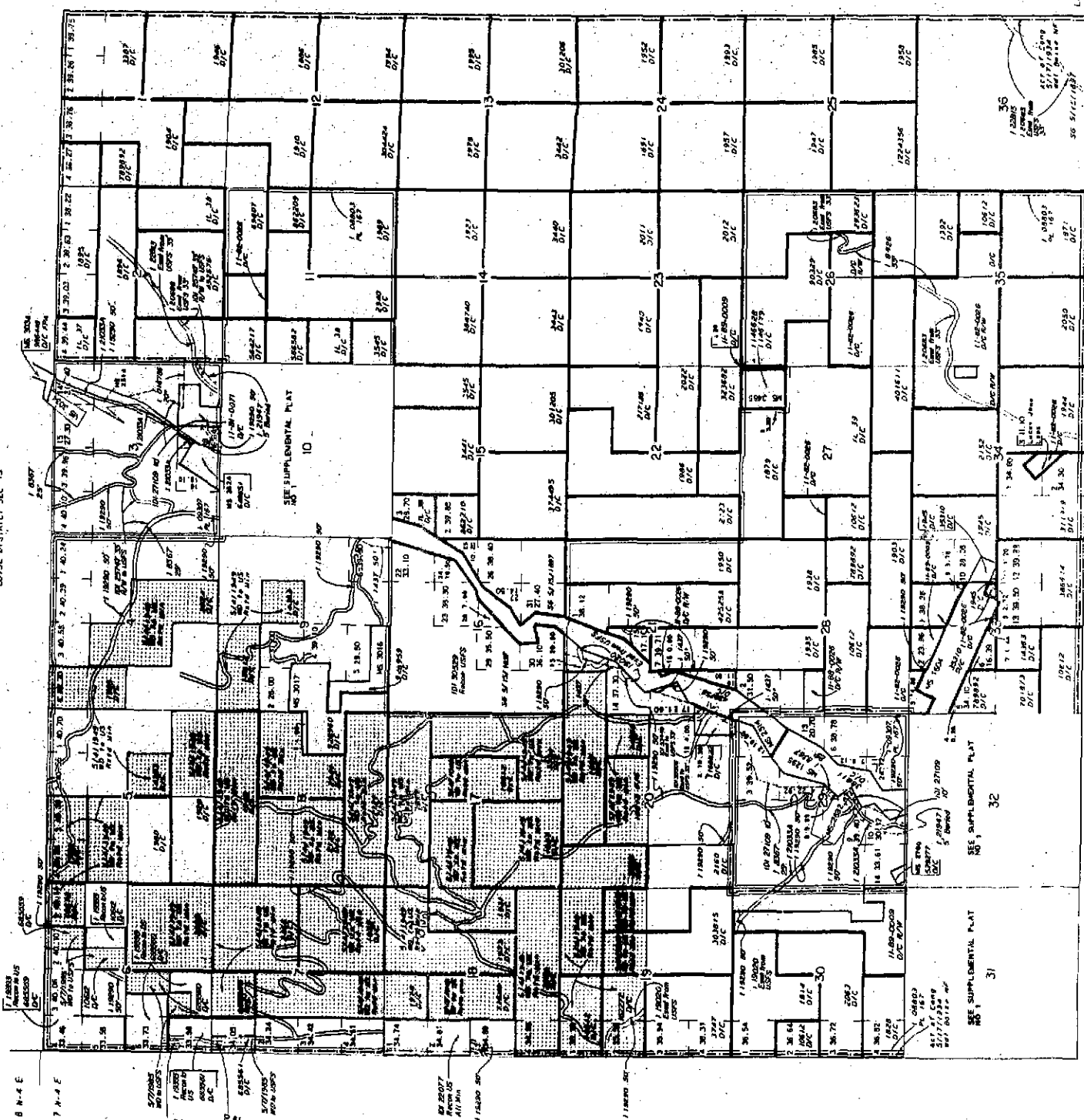
1 09-307-N-1 Sec 29 3/1 Association Place
1 09-307-N-2 Sec 29 3/1 Association No 1
1 09-307-N-3 Sec 29 3/1 Association No 2
1 09-307-N-4 Sec 29 3/1 Black Mark No 2
08083 Det-PL 167 (Act. of Cong 7/23/1955)
Completed 11/24/1965. All NF surface light by
SFS

1 00803-1-1-4 Sec 20 SF3, Sec 20 NBS,
Black Hawk No 2
1 00803-1-5 Sec 20 N3, Sec 30 E3
Assigned
1 00803-1-6 Sec 20 N3, Sec 30 NE3
Assigned No 1
1 00803-1-7 Sec 20 N3, Assigned No 2

OR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
EXCELLENCE DOCUMENTS

1000 JAN 11 2000
 TO A/38813
 CURRENT TO

3-29-18 2241 0 469.65 JET 40



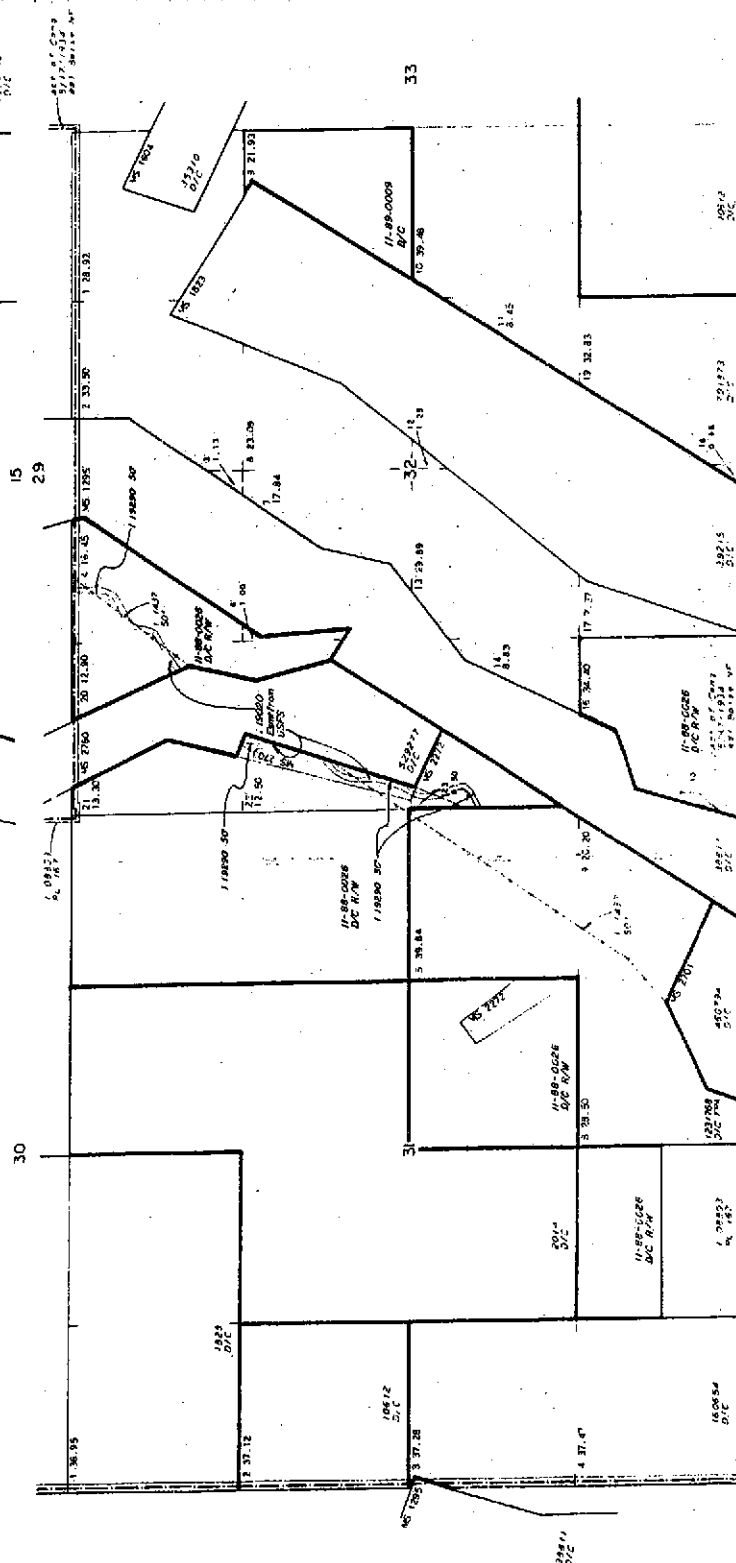
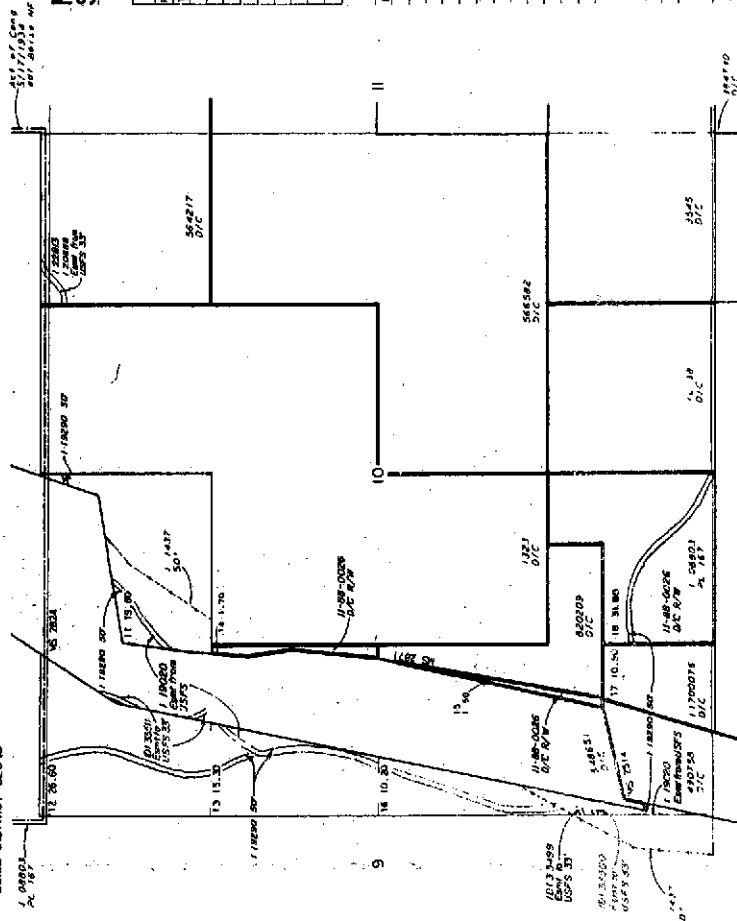
BOISE COUNTY 015
BOISE DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL Sec 10, 31, 32

[illegible]

08903 Det. PL 167 (Act. of Cong. 7/23/1955)
completed 11/24/1955. All NF surface Mgmt by
USFS



FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

Current to Current to

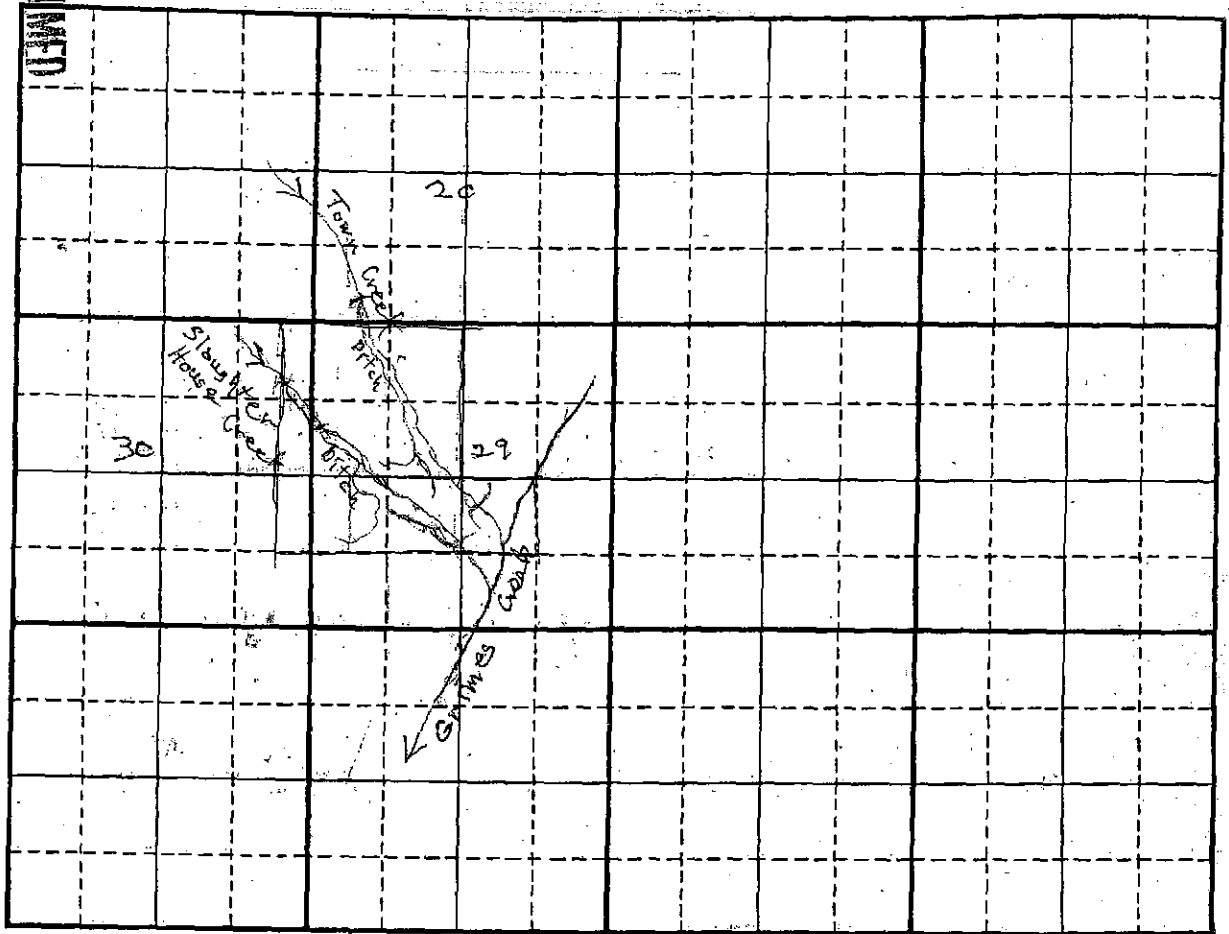
USE PLATES

Attachment 3

Statutory Claim Application
date 5-20-1983

with map of place of use

(8) Remarks In 1947 I bought claims from Lewis of Keweenaw Range who had staked a claim Jan. 2, 1923 and worked with water from the ditch presently used



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

ss.

County of Gem

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.

Lewis S. Elmer
(Claimant)

Sworn to before me this 20 day of May, 19 83.

Notary Public

Residing at Emmett

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by <u>DRS</u>	Date <u>5/20/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JS</u>	Date <u>6/8/83</u>		claimant by:	
\$20.00 fee received by <u>DRS</u>	Date <u>5/24/83</u>	<u>28869</u>		
Published in <u>Idaho Leader</u>				
Dates <u>1/26 & 2/2/84</u>	<u>5/30</u>	<u>6/12/84</u>		

Attachment 4

Mining Claim Location Map

from BLM mining claim file
IMC-13176, Brass Wire Placer

IMC 13176

1/13/82

Owner Lewis Elmer

1624 Jessie St. Boise-Id 8370.

Placer claims in

sections 29, 29, 30 Township 7 N, Range 5 E, B.M.

Boise County Placer Records

#1 is Butler Placer Claim Book 1 Page 385

#2 is Braxton " " B. 5 P. 21

#3 is Golden Blade " " B. 5 P. 21

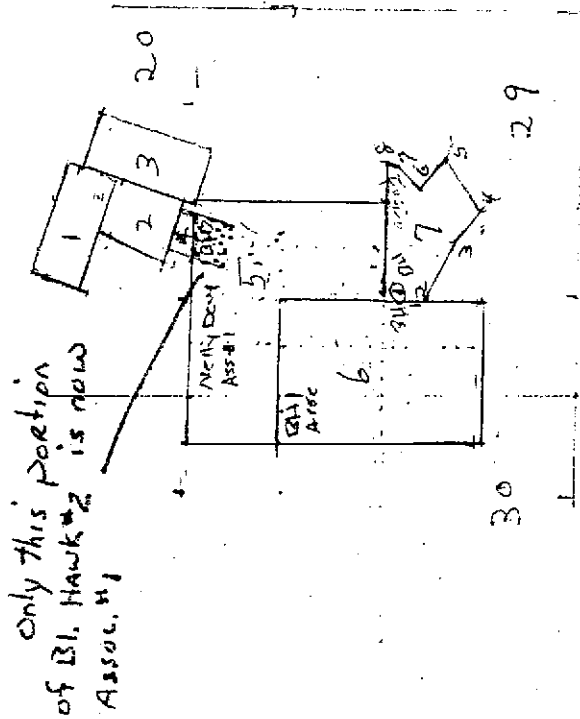
#4 is Black Hawk #2 " " B. 1 P. 456

red of claim association #1

#5 is Association #1 Amended Placer B. 13 P. 634

#6 is Association " " B. 13 P. 633

#7 is Association #2 " " B. 13 P. 639



RECEIVED
DEPT OF THE INTERIOR
BUREAU OF LAND MGMT
MAY 22 2 56 PM 1979
R4334 FED BLDG.
BOISE, IDAHO 83702
IDAHO LAND OFFICE

Attachment 5

BLM Mining Claim Reports

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
Customer Information**

Run Date: 01/03/2003 12:16 PM

Page: 1

Total Rows Returned: 13

Limiting Criteria:

System Id = MC

Admin State = ID

Geo State = ID

Case Disp Txt = ACTIVE, CLOSED, PENDING, VOID

Geost County Cd =

Admst Dist Ra Cd =

Contains
Cust Nm ~~begin~~ with SCHARFF

District Txt =

Ra Txt =

County Txt = BOISE

Adm Agency =

Adm Agency Txt =

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS

Customer Information - WITH Legal Description
ACTIVE CLAIMS

Run Date: 01/03/2003 12:16 PM

Page 1 of 1

Admin State: ID
Geo State: ID

SCHARFF TED C
3900 E AMITY RD #15
BOISE, ID 83716

INT-REL: CO-OWNER

CUSTOMER ID: 1475356

Serial No	Claim Name/Number	County	D	Claim Type	Last A Yr	Mc Loc Dt	Mr Tw	Rng	Sec	Subdivision
IMC157053	CENTENIAL ASSOC	BOISE	A	PLACER CLAIM	2003	01/18/1990	08	0070N	0050E	029 SW
IMC160636	ASSOCIATION #3	BOISE	A	PLACER CLAIM	2003	06/14/1990	08	0070N	0050E	029 NE

SCHARFF TED C
3900 E AMITY RD #15
BOISE, ID 83716

INT-REL: OWNER

CUSTOMER ID: 1475356

Serial No	Claim Name/Number	County	D	Claim Type	Last A Yr	Mc Loc Dt	Mr Tw	Rng	Sec	Subdivision
IMC13176	BRASS WIRE	BOISE	A	PLACER CLAIM	2003	06/20/1899	08	0070N	0050E	020 SW SE
IMC13177	RUSTLER	BOISE	A	PLACER CLAIM	2003	04/28/1891	08	0070N	0050E	020 SW SE
IMC13178	GOLDEN FLAKE	BOISE	A	PLACER CLAIM	2003	07/06/1899	08	0070N	0050E	020 SE
		BOISE	A	PLACER CLAIM	2003	07/06/1899	08	0070N	0050E	029 NE
IMC13179	ASSOCIATION	BOISE	A	PLACER CLAIM	2003	07/26/1914	08	0070N	0050E	029 NW SW
		BOISE	A	PLACER CLAIM	2003	07/26/1914	08	0070N	0050E	030 NE SE
IMC13180	ASSOCIATION NO 1	BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	029 NE NW
		BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	030 NE
IMC13181	ASSOCIATION NO 2	BOISE	A	PLACER CLAIM	2003	01/02/1922	08	0070N	0050E	029 SW SE
IMC13182	BLACK HAWK NO 2	BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	020 SW SE
		BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	029 NE NW

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 01:53 PM
Total Rows Returned: 1

Page: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13179

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

RunDate/Time:05/23/02 01:54 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744
Case Type 384201: PLACER CLAIM
Commodity:
Claim Name: ASSOCIATION
Case Disposition: ACTIVE

Serial Number
IMC13179

Name & Address	Int Rel	% Interest
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.0000000

County/State	District
BOISE County, ID	LOWER SNAKE RIVER DISTRIC

Mer Twp	Rng	Sec	Subdivi
08	0070N	0050E	0NW SW
08	0070N	0050E	0NE SE

Act Date	Code	Action Text	Action Remarks	Receipt Numbe
07/26/1914	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/22/1979	500	MAP IN LEAD FILE	IMC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	IMC13176	
11/24/1965	397	SURFACE RIGHTS DTRMINED	I-08803-I/I-09307-H	
08/05/1914	404	COUNTY RECORDATION	20822;13;633	

Line Nr	Remarks
---------	---------

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 02:06 PM
Total Rows Returned: 1

Page: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13181

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

RunDate/Time:05/23/02 02:07 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744
Case Type 384201: PLACER CLAIM
Commodity:
Claim Name: ASSOCIATION NO 2
Case Disposition: ACTIVE

Serial Number
IMC13181

<u>Name & Address</u>	<u>Int Rel</u>	<u>% Interest</u>
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.0000000

<u>County/State</u>	<u>District</u>
BOISE County, ID	LOWER SNAKE RIVER DISTRIC

Mer Twp Rng Sec Subdivi
 08 0070N 0050E 0 SW SE

<u>Act Date</u>	<u>Code</u>	<u>Action Text</u>	<u>Action Remarks</u>	<u>Receipt Numbe</u>
01/02/1922	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/24/1985	518	NOTICE TERMINATED		
04/03/1985	517	NOTICE ACCEPTED	ID-01-N-5-6	
04/11/1984	517	NOTICE ACCEPTED		
05/22/1979	500	MAP IN LEAD FILE	IMC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	IMC13176	
11/24/1965	397	SURFACE RIGHTS DTRMINED	I-08803-I/I-09307-H	
01/28/1922	404	COUNTY RECORDATION	0;10;121	

<u>Line Nr</u>	<u>Remarks</u>
----------------	----------------

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 01:49 PM

Page: 1

Total Rows Returned: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13177

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page

RunDate/Time:05/23/02 01:49 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744
Case Type 384201: PLACER CLAIM
Commodity:
Claim Name: RUSTLER
Case Disposition: ACTIVE

Serial Number
IMC13177

Name & Address	Int Rel	% Interest
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.0000000

County/State	District
BOISE County, ID	LOWER SNAKE RIVER DISTRICT

Mer Twp	Rng	Sec	Subdivi
08	0070N	0050E	0 SW SE

Act Date	Code	Action Text	Action Remarks	Receipt Numbe
04/28/1891	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/22/1979	500	MAP IN LEAD FILE	IMC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	IMC13176	
05/07/1891	404	COUNTY RECORDATION	0;1;385	

Line Nr	Remarks
---------	---------

Sue
Mel

RECEIVED

JAN 31 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

 Subcase 63-05236

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

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



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ted C. Scharff and Darlene L. Scharff

Address: 3900 E. Amity Road, #15; Boise, Idaho 83716

Name:

Address: ;

Name:

Address: ;

Name:

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: See attached
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

D **REASONS SUPPORTING OBJECTION(S):**

The checked elements above are incorrect as recommended in the Director's Report. See attached for revised elements.

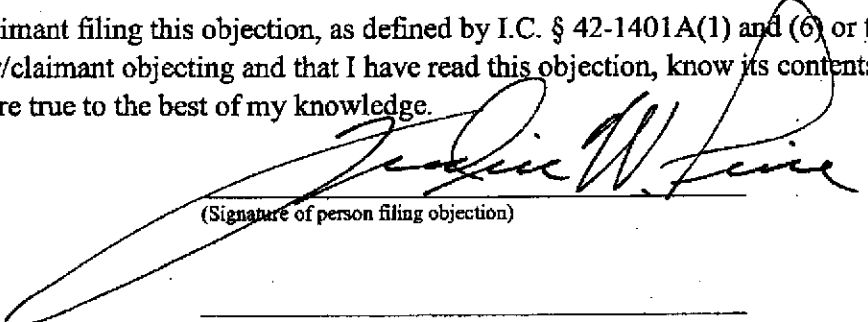


VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

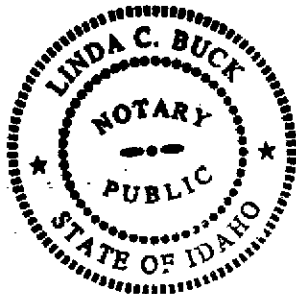
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

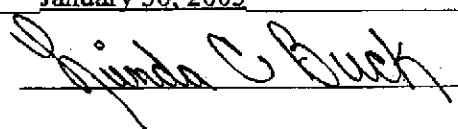
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

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





Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

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.



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:

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: Ted C. and Darlene L. Scharff

Address: 3900 E. Amity Road #15; Boise, Idaho 83716

Name:

Address:;

Name:

Address:;

Name:

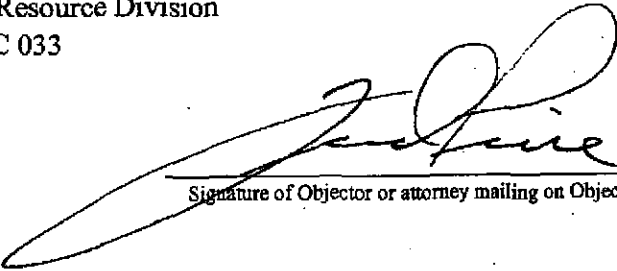
Address:;

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment 1

Director's Report Recommendation for 63-05236

09/24/2002

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

-ISSUES:

- Priority Date (Inaccurate)
- Place of Use (Inaccurate -missing "lots")
- Water right is contingent on validity of mining claims

SOURCE: SLAUGHTERHOUSE GULCH CREEK
TOWN CREEK

TRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/28/1891 THE "ASSOCIATION" MINING CLAIM WAS NOT LOCATED
UNTIL 07-26-1914.
THE "ASSOCIATION #2" MINING CLAIM WAS NOT LOCATED
UNTIL 01-02-1922.

POINT OF
DIVERSION: T07N R05E S20 SWSW Within BOISE County
T07N R05E S29 SNNW Within BOISE County
T07N R05E S30 NENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MINING

PERIOD OF USE
03/01 11/01

QUANTITY
2.000 CFS

PLACE OF USE: MINING Within BOISE County
T07N R05E S29 LOT 9 (NESW)

T07N R05E S29 LOT 8 (NWSE)

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

ANY WATER RIGHT FOR MINING PURPOSES ON FEDERAL PUBLIC LAND WOULD BE CONTINGENT UPON
THE VALIDITY OF THE ASSOCIATED MINING CLAIMS. THE FOLLOWING REMARK SHOULD BE DECREED
UNDER "OTHER PROVISIONS NECESSARY":

"THIS RIGHT IS CONTINGENT UPON THE VALIDITY OF THE ASSOCIATED MINING CLAIMS
UNDER STATE AND FEDERAL RULES, REGULATIONS, AND LAWS."

THE PRIORITY DATE RECOMMENDED IS INACCURATE. THE POUS COINCIDE WITH THE ASSOCIATION
AND ASSOCIATION #2 MINING CLAIMS, AND THEY WERE NOT ESTABLISHED UNTIL 07-26-1914 AND
01-02-1922, RESPECTIVELY.

Attachment 2

BLM Master Title Plat (MTP)
for T.07N. R.05E.

and Blowups

BOISE COUNTY 015
BOISE DISTRICT SEC 15

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

MIT PLAT

INDEX TO SEGREGATED TRACTS.	DATE	BY
RESERVED	04/24/41	DAVID
TRACT NO.	7	SEC.
SECTION	1	1/2

09307 Der AL 167 ist ein Long 772/19551
 Komplette 3/20/1965. 111 PD 1107458 9507 by. 011.
 09307

1 09307-E-1 Sec 3 SE4 Seventy Four

I	OS-307-M-1	Soc	29	Hf	Association Placer
I	OS-307-M-2	Soc	29	Hf	Association No 1
I	OS-307-M-3	Soc	29	Sf	Association No 2
I	OS-307-M-4	Soc	29	Hf	Black Hawk No 2

108803 Det Pl 167 (Act. of Cong 7/23/1953)
To be placed in 108805. All of surface water by
digging and settling

10000-1-2 Sec 20 501, Sec 20 401.

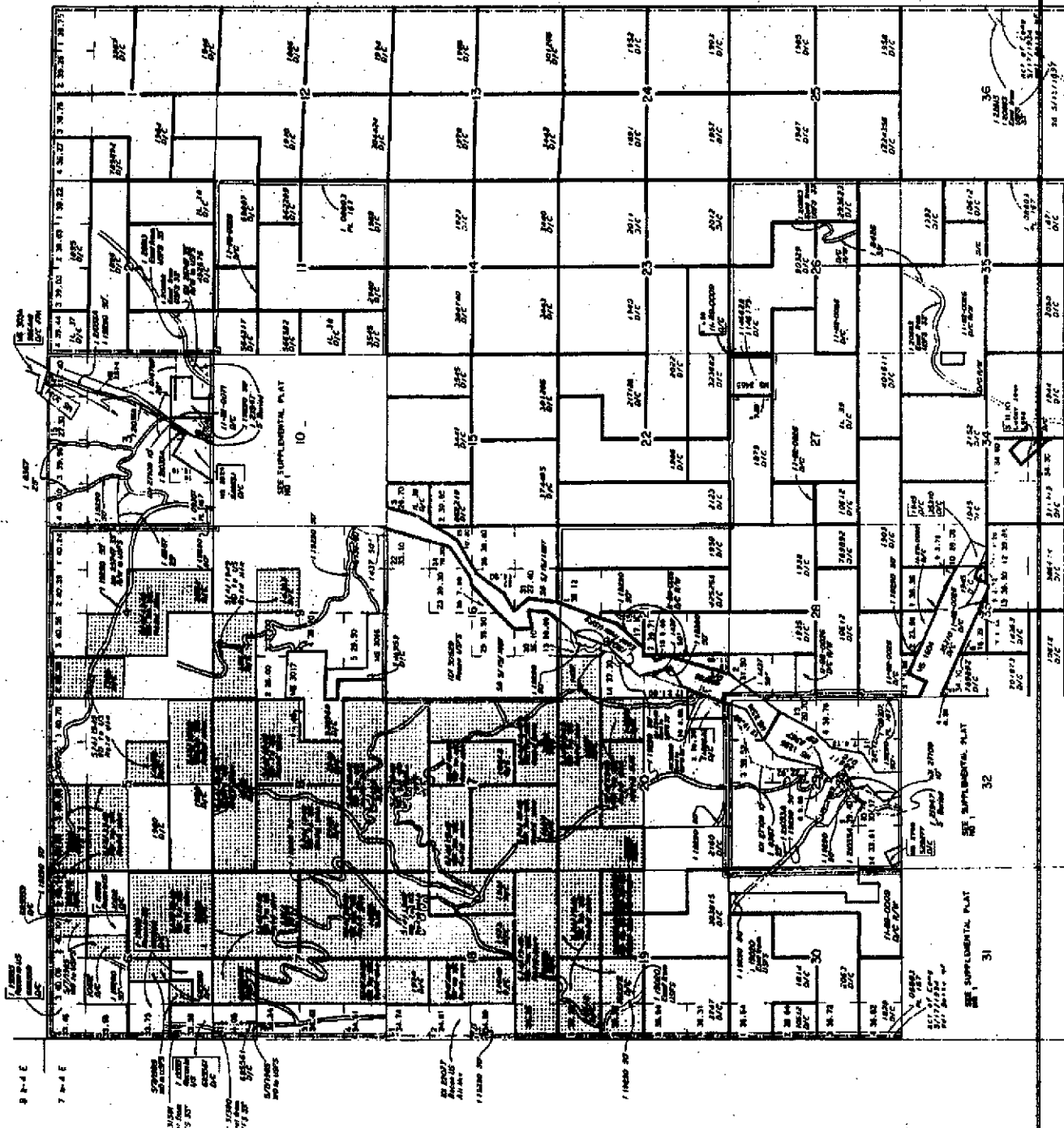
Associated
Incorporated

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
HUTELL BUREAU'S COLUMN 15

DATE: 11/1/2000
TIME: 11:00 AM
TO: JAMES H. HARRIS
FROM: JAMES H. HARRIS
SUBJECT: JAMES H. HARRIS

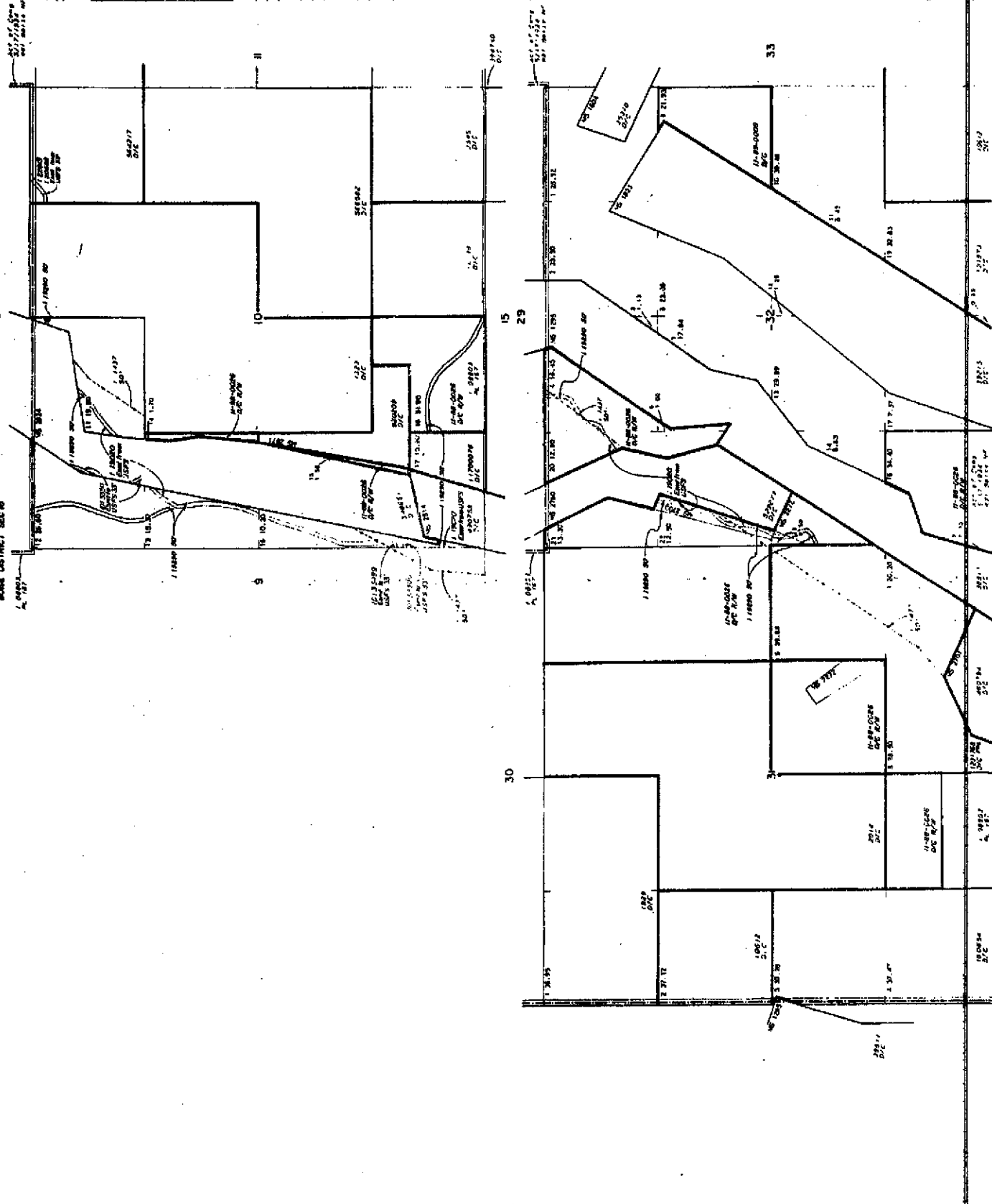
1955

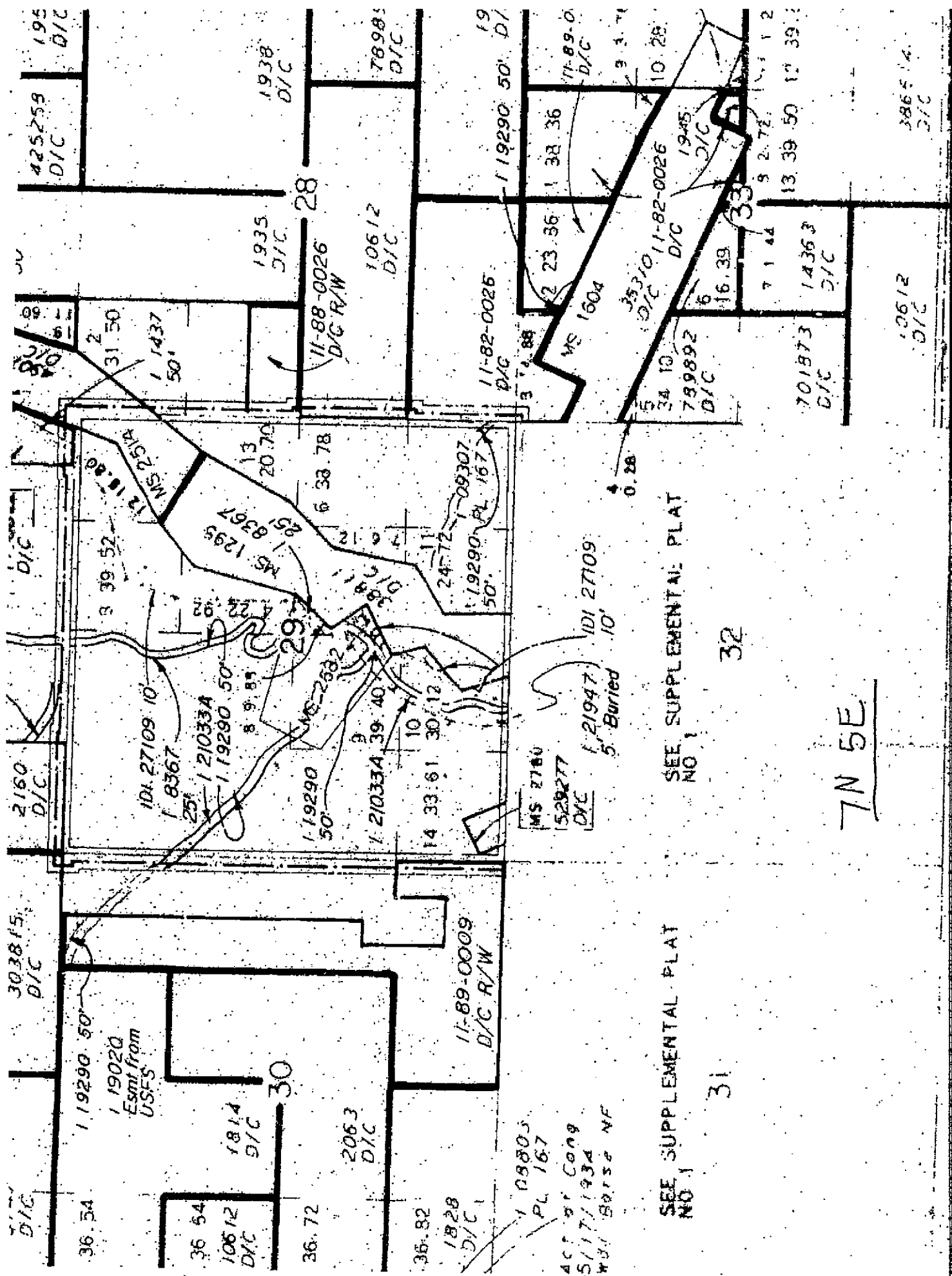


**MTP
SUPPL Sec 10, 31, 32**

[illegible]

1 Q8803 Out PL 167 [out of Contg 7/23/7825]
completed 11/24/1965. All NF surface liquid by
5:25P





Attachment 3

Statutory Claim Application
date 5-20-1983

with map of place of use

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

Lewis G. Elmen

(Name of Claimant)

1624 Jessie St. - Baise-Td -

(Mailing Address)

(Zip Code)

Telephone No. 342-7259

(1) Date of priority: (When was the water first applied to a beneficial use)

1922

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

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

Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Town Hall and Slaughter House tributary to Grimes Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: It is used for mining purposes in the spring and early summer.

as long as it lasts till it dries up

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity 2 cfs

Use: Personal

Period of Use From Mar 1 To June 15

Quantity _____

Use _____

Period of Use From _____ To _____

Quantity _____

Use

Period of Use From _____ To _____

Quantity _____

Use _____

Period of Use From _____ To _____
Period of Use From _____ To _____

Quantity	Use
(4) 2685	TOTAL QUANTITY USED.

(CIS, 984, AFA)

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

SW ¼ SW ¼, Sec. ~~20~~ Twp. 7 N. Rge. 5 E. B.M., County of Boise

Additional points of diversion: SEW 4 NW 7 Sec. 29, T1N, R5E, B1M, Boone County, Mo.

E. N. E. to N. E. Sec 30' T 7' N. R 5 E, - B. M. - Boone County

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 1. 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364

Fl. high and for thick inter-
ven winged around about a mile long to 1/2 mile

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

[illegible]

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: plaster

1995-1996

NOTE: Include here the type and number of stock watered:

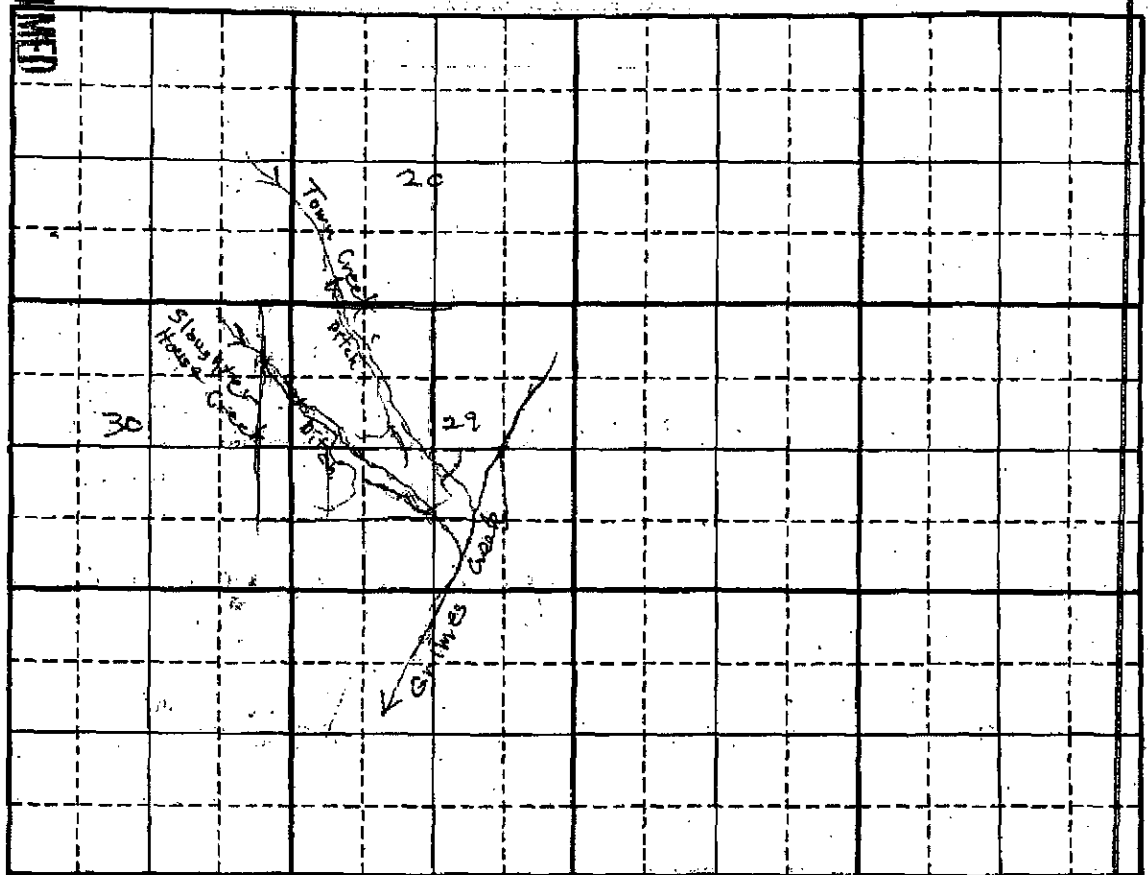
If you are claiming water as a member of an organization, list name of organization:

SCANNED

OCT 21 2002

MICROFILMED

(8) Remarks In 1947 I bought claim from heirs of Kasper Hansen who had staked a claim Jan. 2, 1921 and worked with water power ditch that is presently used



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 Gem) 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.

Jerry S. Elmer
(Claimant)

Sworn to before me this 20 day of May, 1983.

Emmett H
Notary Public
Residing at

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by <u>DRS</u>	Date <u>5/20/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JS</u>	Date <u>6/8/83</u>		claimant by:	
\$30.00 fee received by <u>DRS</u>	Date <u>5/20/83</u>	<u>20567</u>		
Published in <u>Idahoian</u>				
Dates <u>1/26 & 2/2/84</u>	<u>5/30 & 6/12/84</u>			

Attachment 4

Mining Claim Location Map

from BLM mining claim file
IMC-13176, Brass Wire Placer

IMC 18176
1/3/82

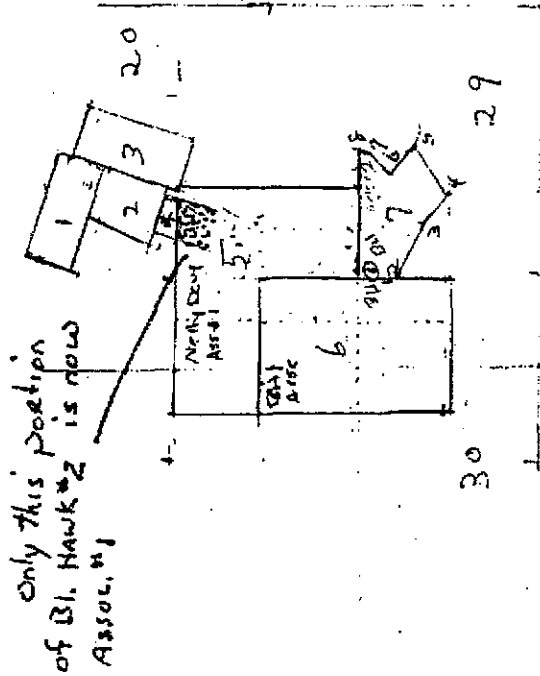
Owner Lewis Elmer 1624 Jessie St. Boise, ID 83705

Placer claims on

sections 20, 29, 30 Township 7 N, Range 5 E, B.M.

Boise County Placer Records

- #1 is Butler Placer Claim Book 1 Page 38.5
- #2 is Brasserie " " B. 5 P. 210
- #3 is Golden Stake " " B. 5 P. 215
- #4 is Black Hawk #2 " " B. 1 P. 456
- rest of claim in Association #1
- #5 is Association #1 Awarded Placer B. 13 P. 634
- #6 is Association " " B. 13 P. 633
- #7 is Association #2 " " B. 13 P. 639



RECEIVED
DEPT OF THE INTERIOR
BUREAU OF LAND MGMT.
MAY 22 2 56 PM 1979
RH 334, FED. BLDG.
BOISE, IDAHO 83702
IDAHO LAND OFFICE

Attachment 5

BLM Mining Claim Reports

BUREAU OF LAND MANAGEMENT
MINING CLAIMS
Customer Information

Run Date: 01/03/2003 12:16 PM

Page: 1

Total Rows Returned: 13

Limiting Criteria:

System Id = MC

Admin State = ID

Geo State = ID

Case Disp Txt = ACTIVE, CLOSED, PENDING, VOID

Geost County Cd =

Admst Dist Ra Cd =

Contains
Cust Nm begins with SCHARFF

District Txt =

Ra Txt =

County Txt = BOISE

Adm Agency =

Adm Agency Txt =

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
Customer Information - WITH Legal Description
ACTIVE CLAIMS

Run Date: 01/03/2003 12:16 PM

Page 1 of 1

Admin State: ID
Geo State: ID

SCHARFF TED C
3900 E AMITY RD #15
BOISE, ID 83716

INT-REL: CO-OWNER

CUSTOMER ID: 1475356

Serial No	Claim Name/Number	County	D	Claim Type	Last A Yr	Mc	Loc	Dt	Mr	Twn	Rng	Sec	Subdivision
IMC157053	CENTENIAL ASSOC	BOISE	A	PLACER CLAIM	2003	01/18/1990	08	0070N	0050E	029	SW		
IMC160636	ASSOCIATION #3	BOISE	A	PLACER CLAIM	2003	06/14/1990	08	0070N	0050E	029	NE		

SCHARFF TED C
3900 E AMITY RD #15
BOISE, ID 83716

INT-REL: OWNER

CUSTOMER ID: 1475356

Serial No	Claim Name/Number	County	D	Claim Type	Last A Yr	Mc	Loc	Dt	Mr	Twn	Rng	Sec	Subdivision
IMC13176	BRASS WIRE	BOISE	A	PLACER CLAIM	2003	06/20/1899	08	0070N	0050E	020	SW	SE	
IMC13177	RUSTLER	BOISE	A	PLACER CLAIM	2003	04/28/1891	08	0070N	0050E	020	SW	SE	
IMC13178	GOLDEN FLAKE	BOISE	A	PLACER CLAIM	2003	07/06/1899	08	0070N	0050E	020	SE		
		BOISE	A	PLACER CLAIM	2003	07/06/1899	08	0070N	0050E	029	NE		
IMC13179	ASSOCIATION	BOISE	A	PLACER CLAIM	2003	07/26/1914	08	0070N	0050E	029	NW	SW	
		BOISE	A	PLACER CLAIM	2003	07/26/1914	08	0070N	0050E	030	NE	SE	
IMC13180	ASSOCIATION NO 1	BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	029	NE	NW	
		BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	030	NE		
IMC13181	ASSOCIATION NO 2	BOISE	A	PLACER CLAIM	2003	01/02/1922	08	0070N	0050E	029	SW	SE	
IMC13182	BLACK HAWK NO 2	BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	020	SW	SE	
		BOISE	A	PLACER CLAIM	2003	03/19/1926	08	0070N	0050E	029	NE	NW	

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 01:53 PM
Total Rows Returned: 1

Page: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13179

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

RunDate/Time:05/23/02 01:54 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744
Case Type 384201: PLACER CLAIM
Commodity:
Claim Name: ASSOCIATION
Case Disposition: ACTIVE

Serial Number
IMC13179

Name & Address	Int Rel	% Interest
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.000000

County/State	District
BOISE County, ID	LOWER SNAKE RIVER DISTRICT

Mer Twp	Rng	Sec	Subdivi
08	0070N	0050E	0NW SW
08	0070N	0050E	0NE SE

Act Date	Code	Action Text	Action Remarks	Receipt Number
07/26/1914	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/22/1979	500	MAP IN LEAD FILE	IMC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	IMC13176	
11/24/1965	397	SURFACE RIGHTS DTRMINED	I-08803-I/I-09307-H	
08/05/1914	404	COUNTY RECORDATION	20822;13;633	

Line Nr	Remarks
---------	---------

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 02:06 PM
Total Rows Returned: 1

Page: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13181

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

RunDate/Time:05/23/02 02:07 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744

Serial Number

Case Type 384201: PLACER CLAIM

INC13181

Commodity:

Claim Name: ASSOCIATION NO 2

Case Disposition: ACTIVE

Name & Address	Int Rel	% Interest
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.00000000

County/State	District
BOISE County, ID	LOWER SNAKE RIVER DISTRICT

Mer Twp Rng Sec Subdivi

08 0070N 0050E 0 SW SE

Act Date	Code	Action Text	Action Remarks	Receipt Number
01/02/1922	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/24/1985	518	NOTICE TERMINATED		
04/03/1985	517	NOTICE ACCEPTED	ID-01-N-5-6	
04/11/1984	517	NOTICE ACCEPTED		
05/22/1979	500	MAP IN LEAD FILE	INC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	INC13176	
11/24/1965	397	SURFACE RIGHTS DTRMINED	I-08803-I/I-09307-H	
01/28/1922	404	COUNTY RECORDATION	0;10;121	

Line Nr	Remarks
---------	---------

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

**BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

Run Date: 05/23/2002 01:49 PM
Total Rows Returned: 1

Page: 1

Limiting Criteria:

System Id = MC

Admin State =

Serial Nr Num Part between

Serial Nr Full = IMC13177

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS
(MASS) Serial Register Page**

RunDate/Time:05/23/02 01:49 PM

Page: 1 of 1

01 10-21-1976;090STAT0090;43USC1744
Case Type 384201: PLACER CLAIM
Commodity:
Claim Name: RUSTLER
Case Disposition: ACTIVE

Serial Number
IMC13177

Name & Address	Int Rel	% Interest
SCHARFF TED C 3900 E AMITY RD #15 BOISE, ID 83716	OWNER	0.0000000

County/State	District
BOISE County, ID	LOWER SNAKE RIVER DISTRIC

Mer Typ Rng Sec Subdivi
08 0070N 0050E 0 SW SE

Act Date	Code	Action Text	Action Remarks	Receipt Number
04/28/1891	403	LOCATION DATE		
05/22/1979	395	RECORDATION NOTICE RECD		
08/30/2001	483	SMALL MINER CERT FILED	2002	
08/30/2001	480	EVID OF ASSMT FILED	2001	369238
08/29/2000	483	SMALL MINER CERT FILED	2001	
08/29/2000	480	EVID OF ASSMT FILED	2000	178387
08/17/1999	483	SMALL MINER CERT FILED	2000	
08/24/1999	480	EVID OF ASSMT FILED	1999	
08/21/1998	483	SMALL MINER CERT FILED	1999	
09/22/1998	480	EVID OF ASSMT FILED	1998	
09/12/1997	480	EVID OF ASSMT FILED	1997	
08/20/1996	483	SMALL MINER CERT FILED	1997	
12/10/1996	480	EVID OF ASSMT FILED	1996	
08/22/1995	483	SMALL MINER CERT FILED	1996	
11/02/1995	480	EVID OF ASSMT FILED	1995	
08/22/1994	483	SMALL MINER CERT FILED	1995	
11/25/1994	480	EVID OF ASSMT FILED	1994	
08/31/1993	483	SMALL MINER CERT FILED	1994	
11/26/1993	480	EVID OF ASSMT FILED	1993	
08/31/1993	483	SMALL MINER CERT FILED	1993	
12/07/1992	480	EVID OF ASSMT FILED	1992	
12/17/1992	669	LAND STATUS CHECKED		
05/22/1979	500	MAP IN LEAD FILE	IMC13176	
05/22/1979	501	ACCT ADV IN LEAD FILE	IMC13176	
05/07/1891	404	COUNTY RECORDATION	0;1;385	

Line Nr	Remarks
---------	---------

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

02/26/2002

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

RIGHT NUMBER: 63-5236

NAME AND ADDRESS: TED C SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

DARLENE L SCHARFF
3900 E AMITY RD #15
BOISE ID 83716

SOURCE: TOWN CREEK
SLAUGHTERHOUSE GULCH

TRIBUTARY: GRIMES CREEK
TRIBUTARY: GRIMES CREEK

QUANTITY: 2.00 CFS

PRIORITY DATE: 04/28/1891

POINT OF DIVERSION:

T07N R05E S20 SWSW Within BOISE County

T07N R05E S29 SWNW Within BOISE County

T07N R05E S30 NENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MINING

03/01 11/01

2.000 CFS

PLACE OF USE: MINING Within BOISE County

T07N R05E S29

NESW

T07N R05E S29

NWSE

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

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

EXPLANATORY MATERIAL: Beneficial Use

03/01/2002

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: 63-5236

TED C SCHARFF

3900 E AMITY RD #15

BOISE ID 83716

Telephone Number: (208)336-7079

DARLENE L SCHARFF

3900 E AMITY RD #15

BOISE ID 83716

Telephone Number: (208)336-7079

RECEIVED

MAR 07 2002

WATER RESOURCES
WESTERN REGION

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:

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

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

DATE:

3-7-02

SIGNATURE:

Ted C. Scharff

Please print your name:

Ted C. Scharff

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

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

CLAIM NO(s). A63-5236

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

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

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

* Priority date, per claimant, is: 4-28-1891

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

Amended 11-5-2001 to reflect the date on
his Placer Location Notice.

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:

Change
Address Township 7N Range 5E Section 38 1/4 _____ 1/4 NE 1/4 NE - Slaughter House
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

Ditches carry water to the ponds where 2 pumps
are used. (1) 20 hp Perkins diesel & Worthington pump
with 4" intake & discharge. (2) 8 hp Hatz diesel with
a Pacer pump with 3" intake and discharge.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use Mining From 3-1 To 11-1 Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☐ No Change - TOTAL VOLUME

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

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

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

* Use: Mining Township 7N Range 5E Section 29 1/4 NW 1/4 SE
 Use: _____ Township _____ Range _____ Section _____ 1/4 NE 1/4 SW
 Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
 Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

* The actual use of water for mining is limited to these descriptions but material is hauled from other sites. Ted Schaff assisted with field exam.

C18

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-1-2001
4-30-01

FIELD EXAMINER: _____

Print Name

Mel Schulte
 Signature

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

63-5236)
)
)
)

State of Idaho)
County of _____)

AFFIDAVIT

Ted C. Scharff

being first duly sworn,

deposes and says: The water & ditches Have

Been used back as far as 1914 on

and at least in 1939 when Homer

Granger Received The ~~Water~~ Claims

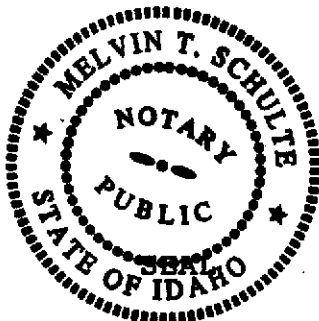
Here is ~~proof~~ Proof of The Claim use

& Activity since 1922 & as early as 1891.

From BLM Records. I Have Been using

The water since 1983 while the

right still belonged To Lewis Elmer



Ted C. Scharff
(Signature)

Subscribed and sworn to before me this

day 5 of Nov, 19 2001

Melvin T. Schulte
(Notary Public)

Residing at Bosse, Idaho

My Commission Expires 7-24-2006

RUN TIME: 10:57 AM

RUN DATE: 10/23/2001

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Input Parameters for MC Geographic Report

Admin State = ID

Geo State = ID

Mer Twp Ring = 08 0070N 0050E

Section = 020, 029, 030

Mtrs =

Allquot Part contains

Case Disp Txt = ACTIVE

Total Rows Returned: 26

NO WARRANTY IS MADE BY BLM FOR USE OF THE DATA
FOR PURPOSES NOT INTENDED BY BLM

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIM GEOGRAPHIC REPORT
LIST OF MINING CLAIMS BY SECTION

**MER TWP RNG SEC
08 0070N 0050E 020**

<u>SERIAL NUM</u>	<u>QUAD</u>	<u>CLAIM NAME</u>	<u>CLAIMANT</u>	<u>LEAD FILE</u>	<u>CASE TYPE</u>	<u>STATUS</u>	<u>LOC DATE</u>	<u>LAST ASSESSMENT</u>
IMC13176	SW SE	BRASS WIRE	SCHARFF TED C		384201	ACTIVE	06/20/1899	2002
IMC13177	SW SE	RUSTLER	SCHARFF TED C	IMC13176	384201	ACTIVE	04/28/1891	2002
IMC13178	SE	GOLDEN FLAKE	SCHARFF TED C	IMC13176	384201	ACTIVE	07/06/1899	2002
IMC13182	SW SE	BLACK HAWK NO 2	SCHARFF TED C	IMC13176	384201	ACTIVE	03/19/1926	2002

**MER TWP RNG SEC
08 0070N 0050E 029**

<u>SERIAL NUM</u>	<u>QUAD</u>	<u>CLAIM NAME</u>	<u>CLAIMANT</u>	<u>LEAD FILE</u>	<u>CASE TYPE</u>	<u>STATUS</u>	<u>LOC DATE</u>	<u>LAST ASSESSMENT</u>
IMC13178	NE	GOLDEN FLAKE	SCHARFF TED C	IMC13176	384201	ACTIVE	07/06/1899	2002
IMC13179	NW SW	ASSOCIATION	SCHARFF TED C	IMC13176	384201	ACTIVE	07/26/1914	2002
IMC13180	NE NW	ASSOCIATION NO 1	SCHARFF TED C	IMC13176	384201	ACTIVE	03/19/1926	2002
IMC13181	SW SE	ASSOCIATION NO 2	SCHARFF TED C	IMC13176	384201	ACTIVE	01/02/1922	2002
IMC13182	NE NW	BLACK HAWK NO 2	SCHARFF TED C	IMC13176	384201	ACTIVE	03/19/1926	2002
IMC157053	SW	CENTENIAL ASSOC	DOTY DONAY	IMC157053	384201	ACTIVE	01/18/1990	2002
			POE BEAVER	IMC157053	384201	ACTIVE	01/18/1990	2002
			SCHARFF TED C	IMC157053	384201	ACTIVE	01/18/1990	2002
			DOTY DONAY	IMC160636	384201	ACTIVE	06/14/1990	2002
		ASSOCIATION #3	NEITZEL CHARLES	IMC160636	384201	ACTIVE	06/14/1990	2002
			NEITZEL KEN	IMC160636	384201	ACTIVE	06/14/1990	2002
			SCHARFF TED C	IMC160636	384201	ACTIVE	06/14/1990	2002
			PRECKEL MELVIN E	IMC177958;	384201	ACTIVE	06/04/1996	2002
		FLAT IRON	MARLATT PAUL E	IMC48875	384201	ACTIVE	03/21/1980	2002
		OBE #1 PLACER	OBERMEYER ROBERT L	IMC48875	384201	ACTIVE	03/21/1980	2002
IMC177958	SW							
IMC48875	NE SE							

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIM GEOGRAPHIC REPORT
LIST OF MINING CLAIMS BY SECTION

<u>SERIAL NUM</u>	<u>QUAD</u>	<u>CLAIM NAME</u>	<u>CLAIMANT</u>	<u>LEAD FILE</u>	<u>CASE TYPE</u>	<u>STATUS</u>	<u>LOC DATE</u>	<u>LAST ASSESSMENT</u>
IMC48876	SE	OBE #2 PLACER	MARLATT PAUL E	IMC48875	384201	ACTIVE	03/21/1980	2002
			OBERMEYER ROBERT L	IMC48875	384201	ACTIVE	03/21/1980	2002
IMC48877	SE	OBE #3 PLACER	MARLATT PAUL E	IMC48875	384201	ACTIVE	03/21/1980	2002
			OBERMEYER ROBERT L	IMC48875	384201	ACTIVE	03/21/1980	2002

MER TWP RNG SEC
08 0070N 0050E 030

<u>SERIAL NUM</u>	<u>QUAD</u>	<u>CLAIM NAME</u>	<u>CLAIMANT</u>	<u>LEAD FILE</u>	<u>CASE TYPE</u>	<u>STATUS</u>	<u>LOC DATE</u>	<u>LAST ASSESSMENT</u>
IMC13179	NE SE	ASSOCIATION	SCHARFF TED C	IMC13176	384201	ACTIVE	07/26/1914	2002
IMC13180	NE	ASSOCIATION NO 1	SCHARFF TED C	IMC13176	384201	ACTIVE	03/19/1926	2002
IMC177603	NE SE	LUCKY BOY #1AA	SLAATHAUG JOYCE C	IMC177603;	384201	ACTIVE	05/18/1996	2002

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #3
POINT OF DIVERSION
FROM SLAUGHTER
HOUSE GULCH



PHOTO #4
MANNING SITE IN
SLAUGHTER HOUSE
GULCH

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #5
PUMPS USED IN THE
MINING OPERATION



PHOTO #6
MINING EQUIPMENT

A63-5236

PHOTOS TAKEN 09/30/2001



PHOTO #1
POINT OF DIVERSION
FROM TOWN CREEK



PHOTO #2
MANNING SITE IN
TOWN CREEK

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-02-2001

File Number: 63-5236
Claimant: TED SCHARFF
Channel measured: DITCH BELOW POD ON TOWN CREEK
Date of measurement: 10/01/2001
Measurement location:

Calculation prepared by: MEL SCHULTE
Comments about the measurement:

The results of the calculation are:
The channel cross section is 1.56 ft-sq.
The wetted perimeter is 3.94 feet.
The hydraulic radius is 0.39 feet.
The slope is 0.0038
The roughness coefficient is 0.0350
The flow velocity is 1.414 ft/sec.
The rate of flow is 2.20 cfs.

TO 7N

6 OF DIVE



J. C. SNIVELY

-to-

THE PUBLIC

PLACER LOCATION NOTICE

Dated-----

Filed May 7, 1891

Book 1 Placer, Page 383

Name of Claim: Rustler Placer Claim.

1157

Notice is hereby given. That the undersigned, having complied with the requirements of Section 2324 of the Revised Statutes of the United States, and the Local Laws and regulations of this District, has located fifteen hundred feet in length by 6 hundred feet in width, on this the Rustler Placer Claim Situated in Centerville Mining District, Boise County, State of Idaho: the location being described and marked on the ground as follows, to wit: This claim is situated and located

near the head of Long Aker Gulch commencing at the old worked Ground and running Westerly 1500 ft. there being 3 Claim Stakes at Each end center and 4 corner Stakes. This Claim is North of Pat O'Brien and west of Long Aker Gulch and Ben Willsons. this Claim is 1500 in length By 6 hundred feet in width.

The Mining Claim above described Shall be known as the Rustler Placer Claim

Located this 28th day of April 1891.

Names of Locaters

J. C. SNIVELY

ACKNOWLEDGED MAY 7, 189. by J. C. SNIVELY before Art Cunningham, Recorder.

E. F. BLAIN and
RACHEL A. BLAIN, his wife

- to -

HOMER C. GRANGER

Instrument #47516
QUITCLAIM DEED
Dated December 2, 1939
Filed April 24, 1940
Recorded Book 49 Deeds
Page 229.
Consideration \$10

DO BY THESE PRESENTS remise, release and forever
QUITCLAIM, unto the said party of the second part, and to his
heirs and assigns,

All the right, title, and interest of the parties of the first
part in and to the following described placer mining claims
situated in Boise County, State of Idaho, to-wit:

Rustler, described in Book 1 of Placer Records of said Boise
County, at page 383;

Brass Wire, described in Book 5 of Placer Records of said
Boise County, at page 210; and

Golden Flake (otherwise known as the Gold Flake), described in
Book 5 of Placer Records of said Boise County, at page 215,

all of said records being in the office of the County Recorder
of said Boise County, to which reference is hereby made.

This deed is made to correct the deed from said
E. F. Blain to said Homer C. Granger, dated July 1, 1914,
recorded December 11, 1931, in Book 45 of Deeds, page 613.

including water rights and ditches,
TOGETHER with all and singular the tenements,
hereditaments and appurtenances/, thereunto belonging or in any-
wise appertaining, the reversion and reversions, remainder and
remainders, rents, issues and profits thereof.

ACKNOWLEDGED the 2nd day of December, 1939, before
Betty W. Wright, a Notary Public in and for the County of Ada,
State of Idaho, by E. F. Blain and Rachel A. Blain, his wife.
(SEAL)

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A03-5236

Name of Claimant(s): Ted Schaff

Name of Ditch, Canal, or Stream: Town Creek POD

Date of Measurement: 10-1-01 Data Collected By: MS

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

Cross Section Data

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

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

<u>Upper</u>		<u>Lower</u>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>.35</u>	<u>.5</u>	8. <u>.35</u>	<u>.5</u>
3. <u>.5</u>	<u>1.0</u>	9. <u>.6</u>	<u>1.0</u>
4. <u>.75</u>	<u>1.5</u>	10. <u>.65</u>	<u>1.5</u>
5. <u>.75</u>	<u>2.0</u>	11. <u>.6</u>	<u>2.0</u>
6. <u>.8</u>	<u>2.5</u>	12. <u>.3</u>	<u>2.5</u>
<u>.5</u>	<u>3.0</u>		<u>3.0</u>
<u>.3</u>	<u>3.5</u>		
	<u>4.0</u>		
	<u>4.5</u>		

Slope Data

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

Level Readings:	upstream	downstream	
upper stadia	<u>3.28</u>	<u>3.76</u>	
center	<u>2.98</u>	<u>3.46</u>	
lower stadia	<u>2.7</u>	<u>3.08</u>	channel length
stadia difference	<u>(.58 + .68)</u>		x 100 = <u>126</u>

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

Comments

Are maps and/or photos attached? yes()

Town C. 347295
POD 315477

MANNING'S "n" (roughness coefficient)

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

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-02-2001

File Number: 63-5236

Claimant: TED SCHARFF

Channel measured: DITCH BELOW SLAUGHTER HOUSE GULCH POD

Date of measurement: 10/01/2001

Measurement location:

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The channel cross section is 1.33 ft-sq.

The wetted perimeter is 4.09 feet.

The hydraulic radius is 0.33 feet.

The slope is 0.0094

The roughness coefficient is 0.0400

The flow velocity is 1.707 ft/sec.

The rate of flow is 2.27 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A03-5236
 Name of Claimant(s): Ted Schaff
 Name of Ditch, Canal, or Stream: Slaughter House - Upper
 Date of Measurement: 10-1-01 Data Collected By: MS
 Measurement Location: 1/4 1/4 Section T R

Cross Section Data

Basis: high water mark() maximum capacity()

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

	depth or rod reading	distance from initial point		depth or rod reading	distance from initial point
1.	<u>0</u>	<u>0</u>	~~1.~~	<u>0</u>	<u>0</u>
2.	<u>.3</u>	<u>.5</u>	~~2.~~	<u>.2</u>	<u>.5</u>
3.	<u>.35</u>	<u>1.0</u>	~~3.~~	<u>.25</u>	<u>1.0</u>
4.	<u>.35</u>	<u>1.5</u>	~~4.~~	<u>.35</u>	<u>1.5</u>
5.	<u>.45</u>	<u>2.0</u>	~~5.~~	<u>.45</u>	<u>2.0</u>
6.	<u>.45</u>	<u>2.5</u>	~~6.~~	<u>.35</u>	<u>2.5</u>
	<u>.40</u>	<u>3.0</u>	~~7.~~	<u>.30</u>	<u>3.0</u>
	<u>.3</u>	<u>3.5</u>	~~8.~~	<u>.25</u>	<u>3.5</u>
		<u>4.0</u>	~~9.~~	<u>0</u>	<u>4.5</u>

Slope Data

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

Level Readings: upstream downstream

upper stadia 1.24 2.36

center 1.05 2.10

lower stadia .60 1.88

channel
length

stadia difference (.04 + .48) x 100 = 112

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

Comments

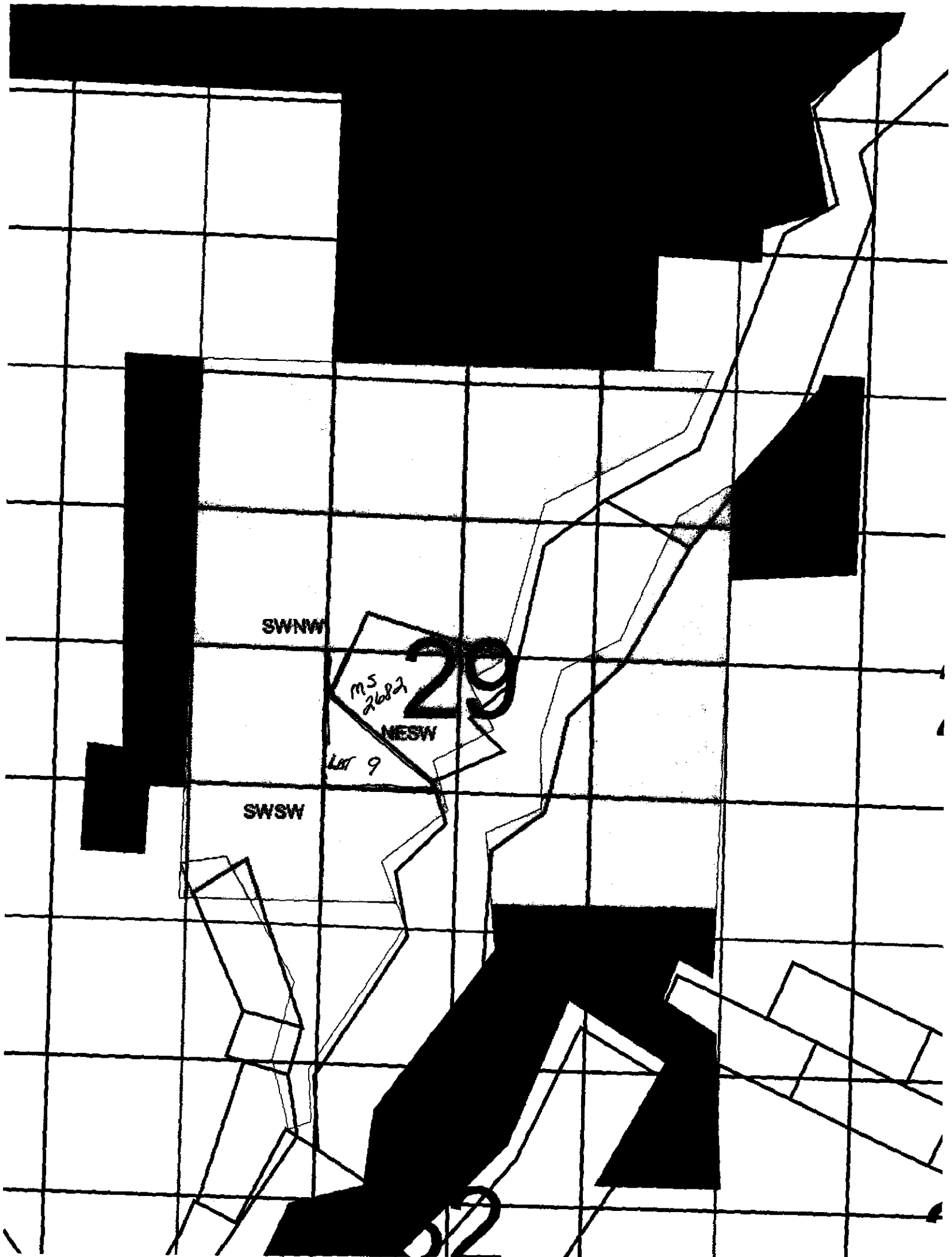
Are maps and/or photos attached? yes()

Slaughter 347326
House 314998
Upper

Lower
 347687
 314644

MANNING'S "n" (roughness coefficient)

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



SWNW

MS
2682

29

NESW

Lot 9

SWSW

22

TO 7N1 R

6 OF DIVE



QUITCLAIM DEED

For Value Received and in accordance with the Lewis Elmer Trust,

I, Lyle W. Talbott, Trustee of The Lewis Elmer Trust
do hereby convey, release, remise and forever quit claim
the herein listed unpatented placer mining claims
unto Ted Scharf, who's address is 6610 S. Maple Grove,
Boise, Idaho 83709

the following described premises, to-wit: the following unpatented placer mining
claims, located in Boise County, Idaho.

Name of Claim	Location	ELM Serial Number
Brass Wire	Sec. 20, T7N, R5E	13176PL
Rustler	" 20, T7N, R5E	13177PL
Golden Flake	" 20-29, T7N, R5E	13178PL
Association	" 29, T7N, R5E	13179PL
Association No. 1	" 29-30, T7N, R5E	13180PL
Association No. 2	" 29, T7N, R5E	13181PL
Black Hawk No. 2	" 20, T7N, R5E	13182PL

together with their appurtenances.

Dated: June 29, 1989

Lewis Elmer Trust; Lyle W. Talbott, Trustee

MICROFILMED

AUG 21 1992

Lyle W. Talbott, Trustee

STATE OF IDAHO, COUNTY OF Ada

On this 5th day of July, 19 89,
before me, a notary public in and for said State, personally
appeared Lyle W. Talbott,

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

Kelli Lynn Engman
Notary Public
Residing at Boise, Idaho
Comm. Expires 10/1/93

STATE OF IDAHO, COUNTY OF Boise

I hereby certify that this instrument was filed for record at
the request of Ted Scharf

at 10 minutes past 9:00 o'clock m.
this 10th day of July,
19 89, in my office, and duly recorded in Book 132866
of Deeds at page 10

Arlene C. Kolar
Ex-Officio Recorder
By *Nola York* Deputy.
Fees \$ 5.00
Mail to: 132866



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

TED C SCHARFF
6610 SO MAPLE GROVE
BOISE, ID 83709

Re: Claim No(s). 103-5236

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



