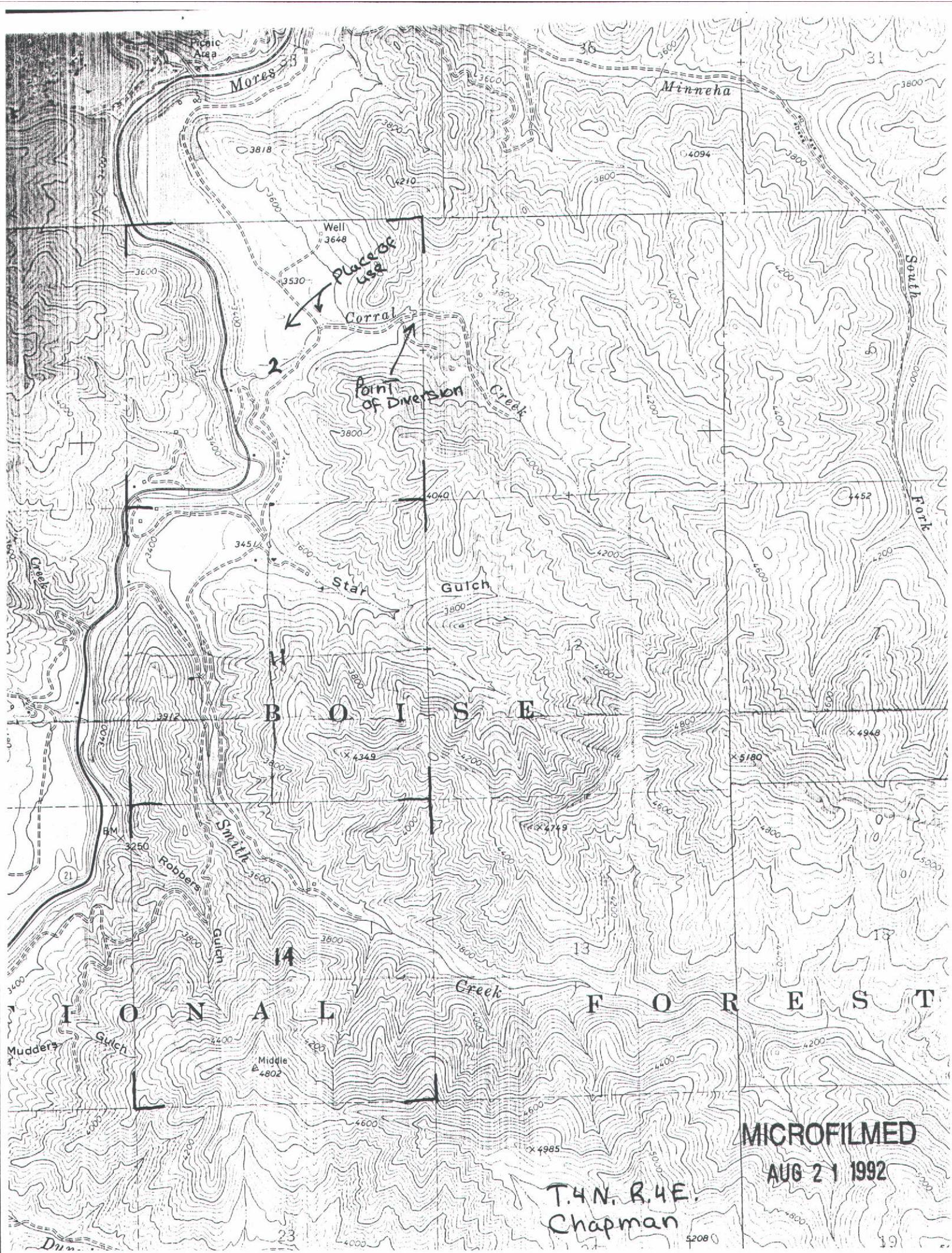




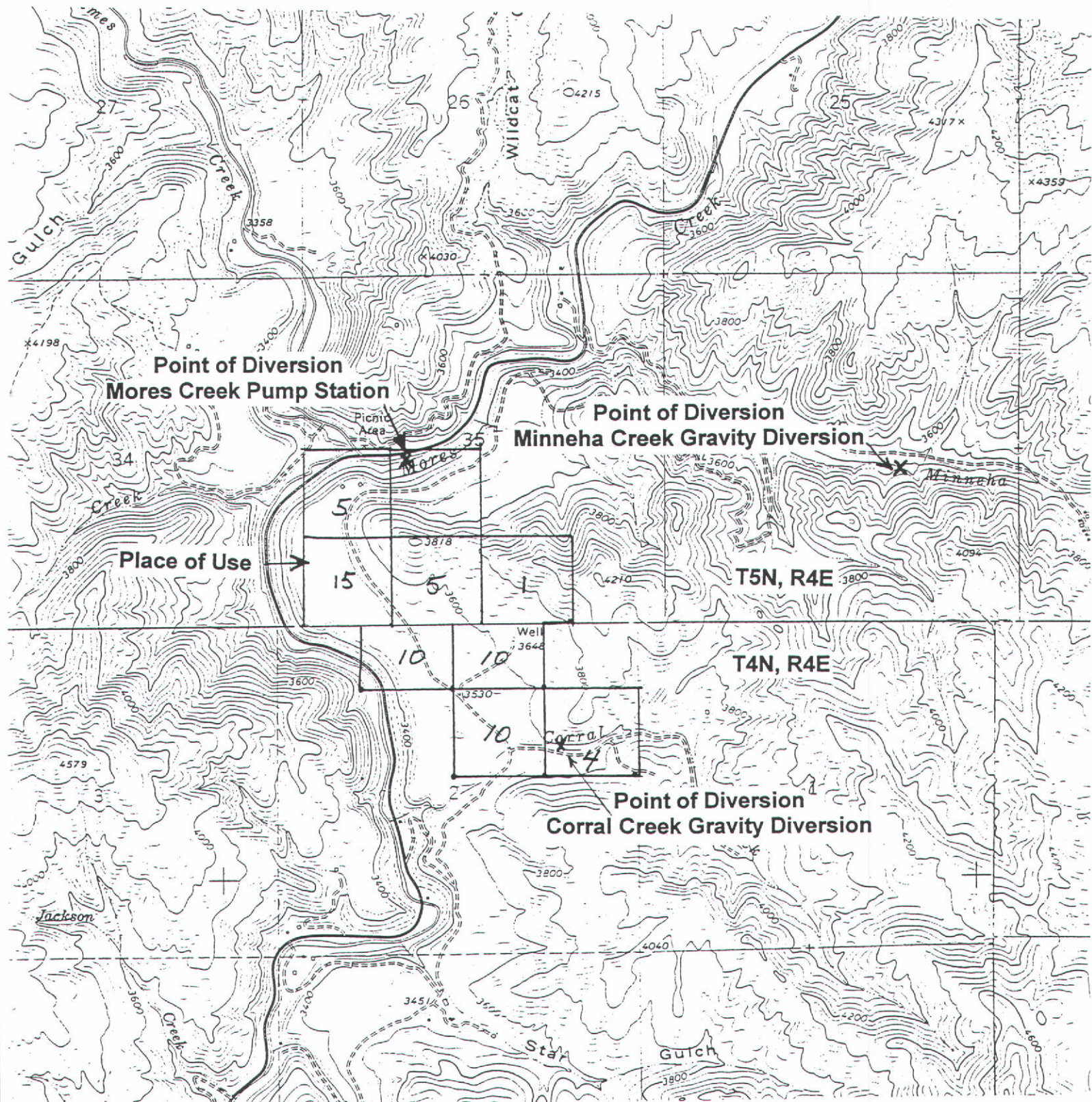
MICROFILMED

AUG 21 1992

T.4 N. R.4 E.
Chapman

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the right described in part 1. Clearly depict the land by section, township and range number.



A63-5332

PHOTOS TAKEN 08/27/2001



PHOTO #1
POD LOOKING EAST
UPSTREAM FROM
THE POD



PHOTO #2
PART OF POU
LOOKING WEST
FROM THE POD

A63-5332

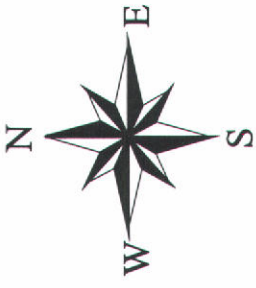
PHOTOS TAKEN 010/12/2001



PHOTO #3
PART OF POU
LOOKING NORTH
FROM THE ROAD
AT THE SOUTH SIDE

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

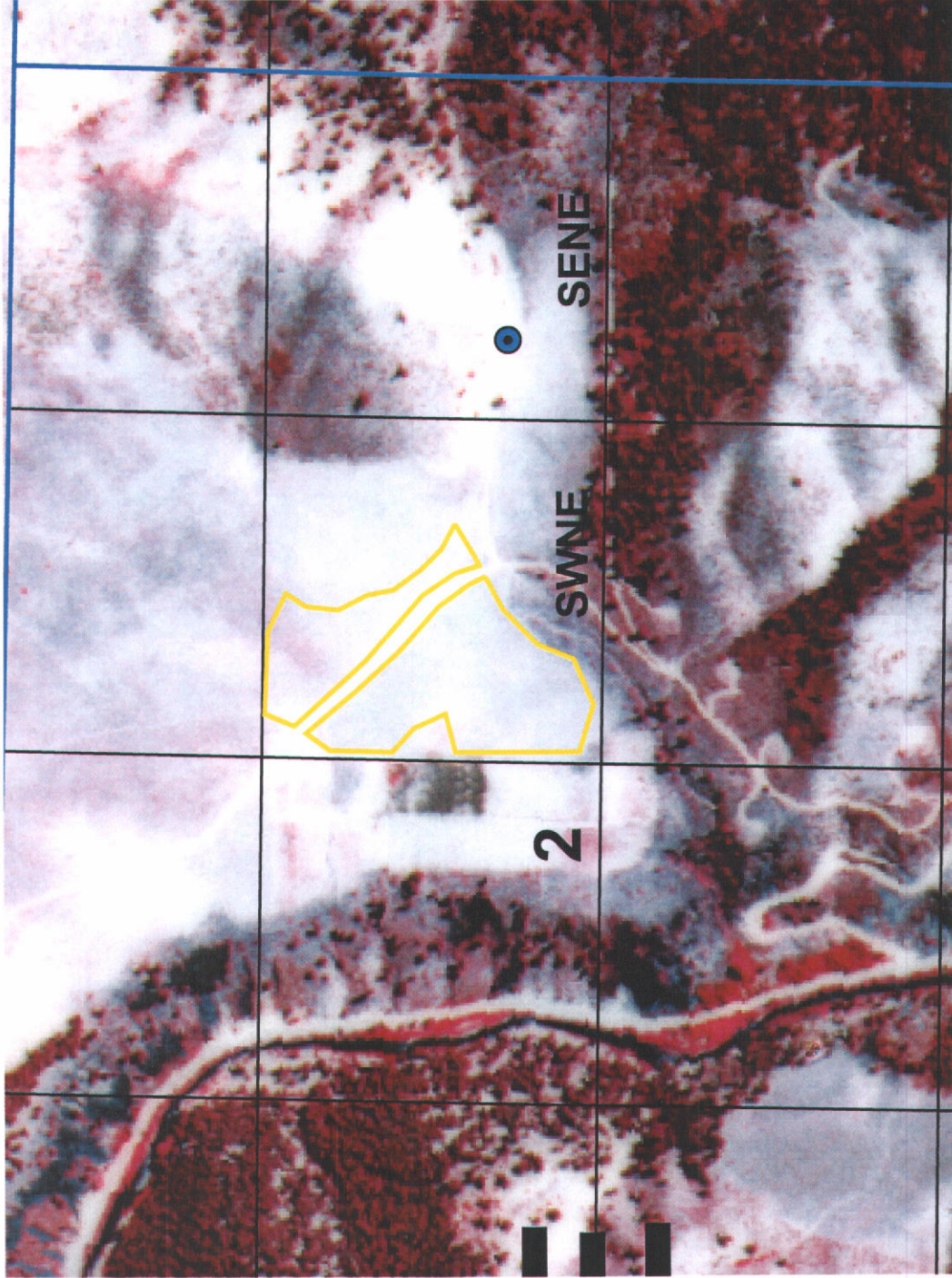
6 SECTION NUMBERS

CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte



0.75 Miles

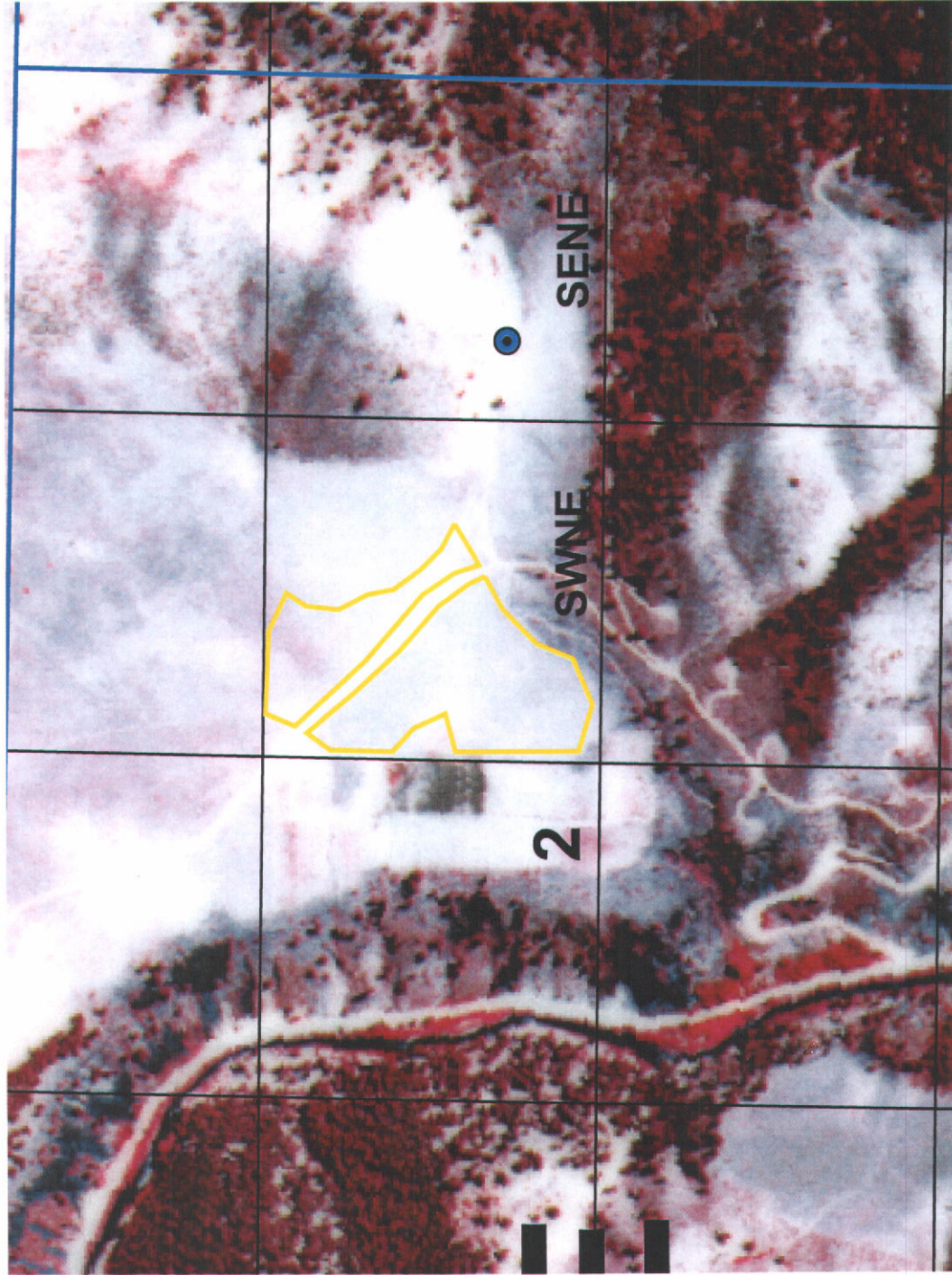
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte

0.75 Miles

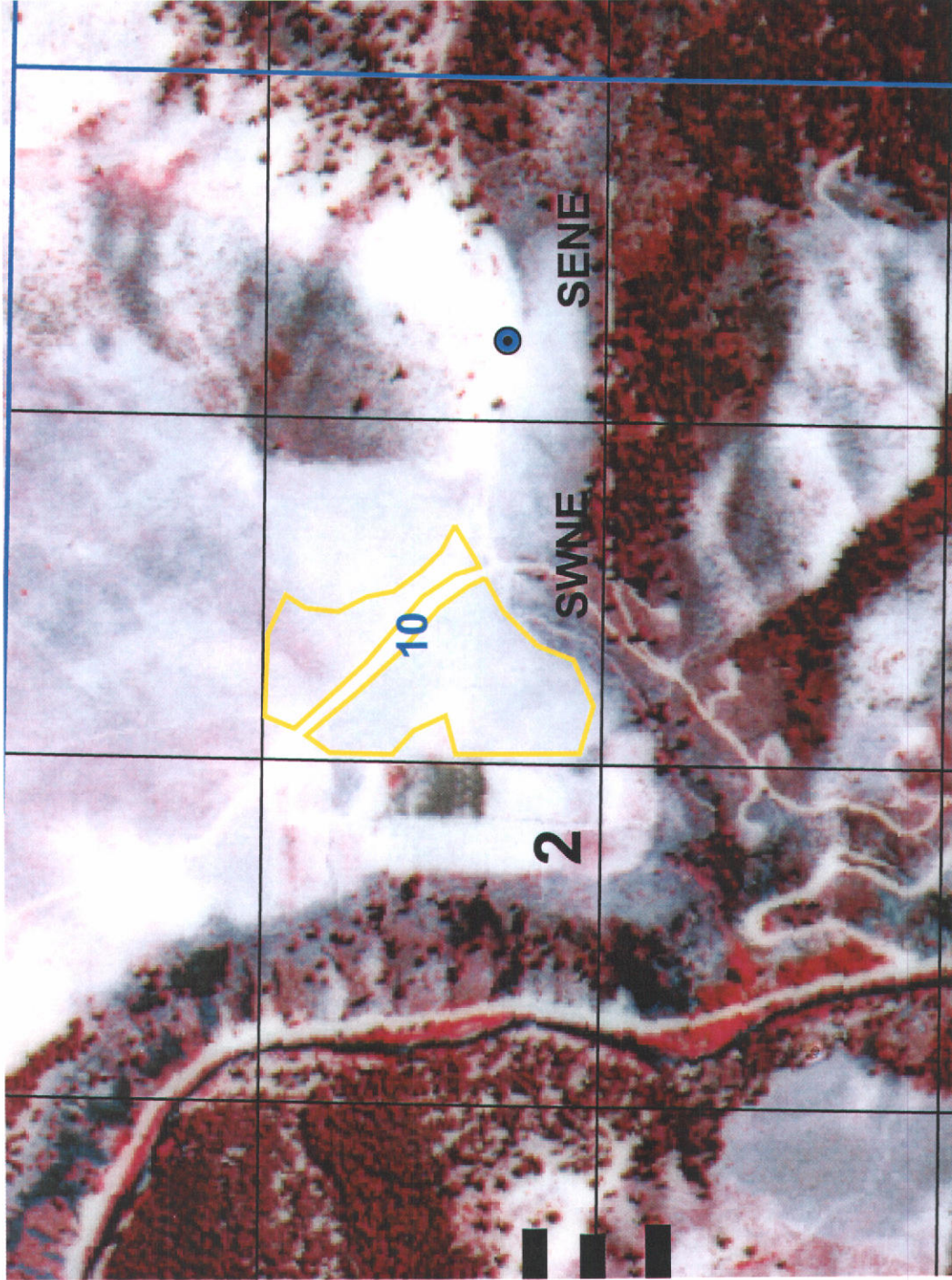
0.5

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IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

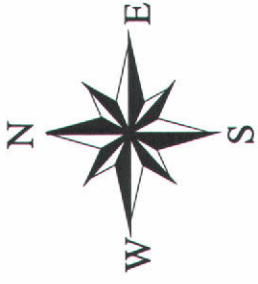
6 SECTION NUMBERS

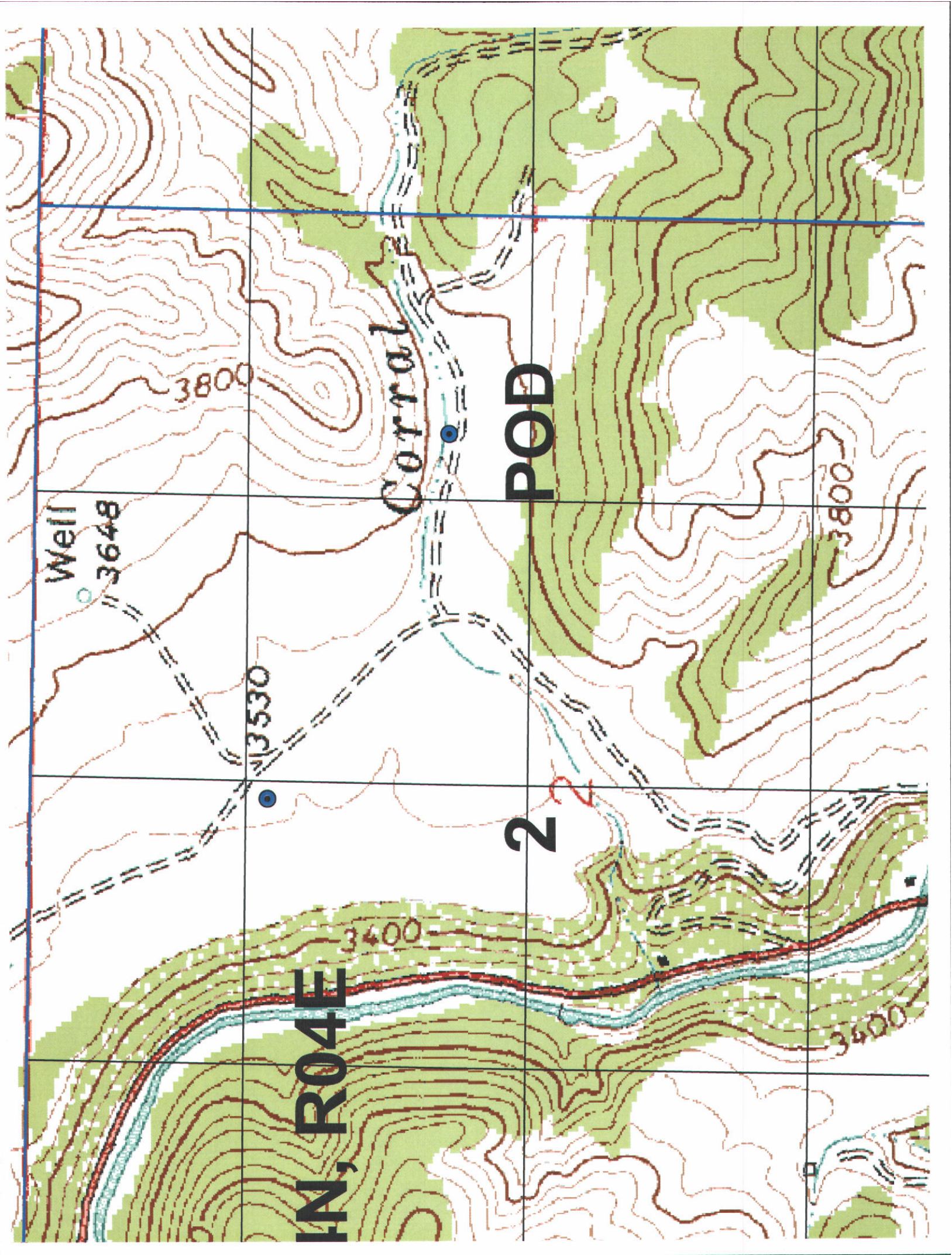
CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte





IN, R04E

POD

2

Corral

Well
3648

3530

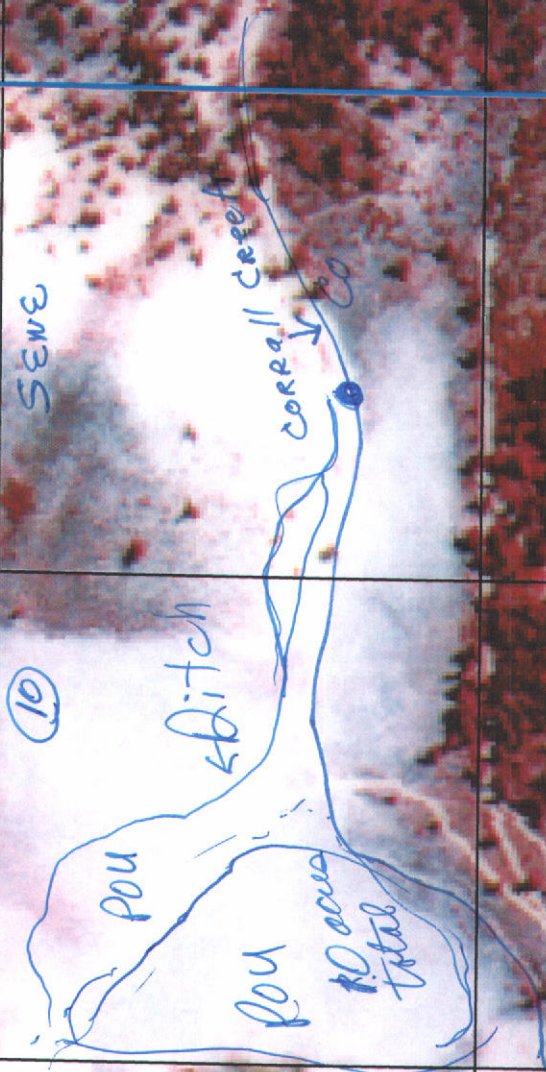
3800

3800

3400

3400

463-5332



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 63-5332
Date Received: 5/22/1989
Receipt No: W002930
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): OSPREY LAND COMPANY Phone: (208) 342-3563
737 N 7TH ST
BOISE ID USA 83702

2. Date of Priority: 07/23/1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	2	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
IRRIGATION	4/01	11/01	0.1	
STOCKWATER	1/01	12/31	0.1	

7. Total Quantity Appropriated is:
0.2 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
04N	04E	2	SW NE SW NE		STOCKWATER IRRIGATION	10
					Section Acres	10
					Total Acres	10

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:

SOURCE KNOWN LOCALLY AS CORELL CK
Address change by DB 7/16/2001
Ownership changed by DB 8/22/2001

15. Basis of Claim: Statutory Claim

Minnehaha Cr.
Corral Cr.

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

RECEIVED
AUG 21 2001
 WATER RESOURCES
 WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A63-5334</u>				
	<u>A63-5332</u>				

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

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

OR

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

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

4. New Owner/Claimant(s)

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

New Mailing Address

737 N. 7th

City, State and ZIP Code

Boise Id. 83702

New Telephone Number

(208) 342-3563

5. Date you acquired the property

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

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

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

7. Signature of New Owner(s) or Claimant(s) Osprey Land Company
(include title if applicable) By Barry Marcus
Asst. Secretary

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

For Office Use Only

Received by _____ Date _____ Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-5332
Date Received: 5/22/89
Receipt No: W002930
Received By:

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

1. Name of Claimant(s): HORACE CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

EARL CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

2. Date of Priority: 07/23/1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	2	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
IRRIGATION	4/01	11/01	0.1	
STOCKWATER	1/01	12/31	0.1	

7. Total Quantity Appropriated is:
0.2 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
04N	04E	2	SW NE SW NE		STOCKWATER IRRIGATION	10
					Section Acres	10
					Total Acres	10

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:

SOURCE KNOWN LOCALLY AS CORELL CK
Address change by DB 7/16/2001

15. Basis of Claim: Statutory Claim

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05332
Date Received: 5/19/1989
Receipt No: W002930
Received By: DEMY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL CHAPMAN 208-343-0076
Address: C/O IDAHO CITY STAGE
HC 33 BOX 1470
BOISE, ID 83706

AND

Name: HORACE CHAPMAN 208-343-0076
Address: C/O IDAHO CITY STAGE
HC 33 BOX 1470
BOISE, ID 83706

2. Date of Priority: JUL 23, 1900

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	2	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.
IRRIGATION	04/01	11/01	0.100		
STOCKWATER	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/70 RANGE

A63-05332

Page 1

Date: 06/15/89

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AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	2	SW	NE		IRR	10.0
			SW	NE		STOCK	
						Section Acres	10.0
						Total Acres	10.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE KNOWN LOCALLY AS CORELL 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: 63-39576
Ident. Number 63-5332
Date Received 5-19-89-LW
Receipt Number W002930

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Horace Chapman and Earl Chapman Phone (208) 343-0076
Mailing Address HC 33, Box 1470, Boise, Idaho Zip 83706
2. Date of Priority (Only one (1) per claim) July 23, 1900
3. Source of water supply (a) Corral Creek
which is tributary to (b) Mores Creek
4. a. Location of existing point of diversion is: Township 4N Range 4E Section 2,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Boise
Additional points of diversion if any: none
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Ditch.

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/01 to 11/01 amount 0.100 or _____

For Stockwater purposes from 4/01 to 12/31 amount 0.100 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.200 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	4E	2			10														10
					S														

Total number of acres irrigated 10

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

Source known locally as Correl Creek

MICROFILMED

AUG 21 1992

Last Name Chapman Ident No. _____

Copies: White -State, Yellow-Claimant

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

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

16. Signature (s)

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

Number of attachments _____

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

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

Horace Chapman Date 5/17/89

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

SEAL

Notary Public Barbara Allen

Residing at Caldwell, Idaho

My Commission Expires April 26, 1995

Please Print Name

17. Notice of Appearance:

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

Signature Barry Marcus

Address 737 N. 7th Boise 83702

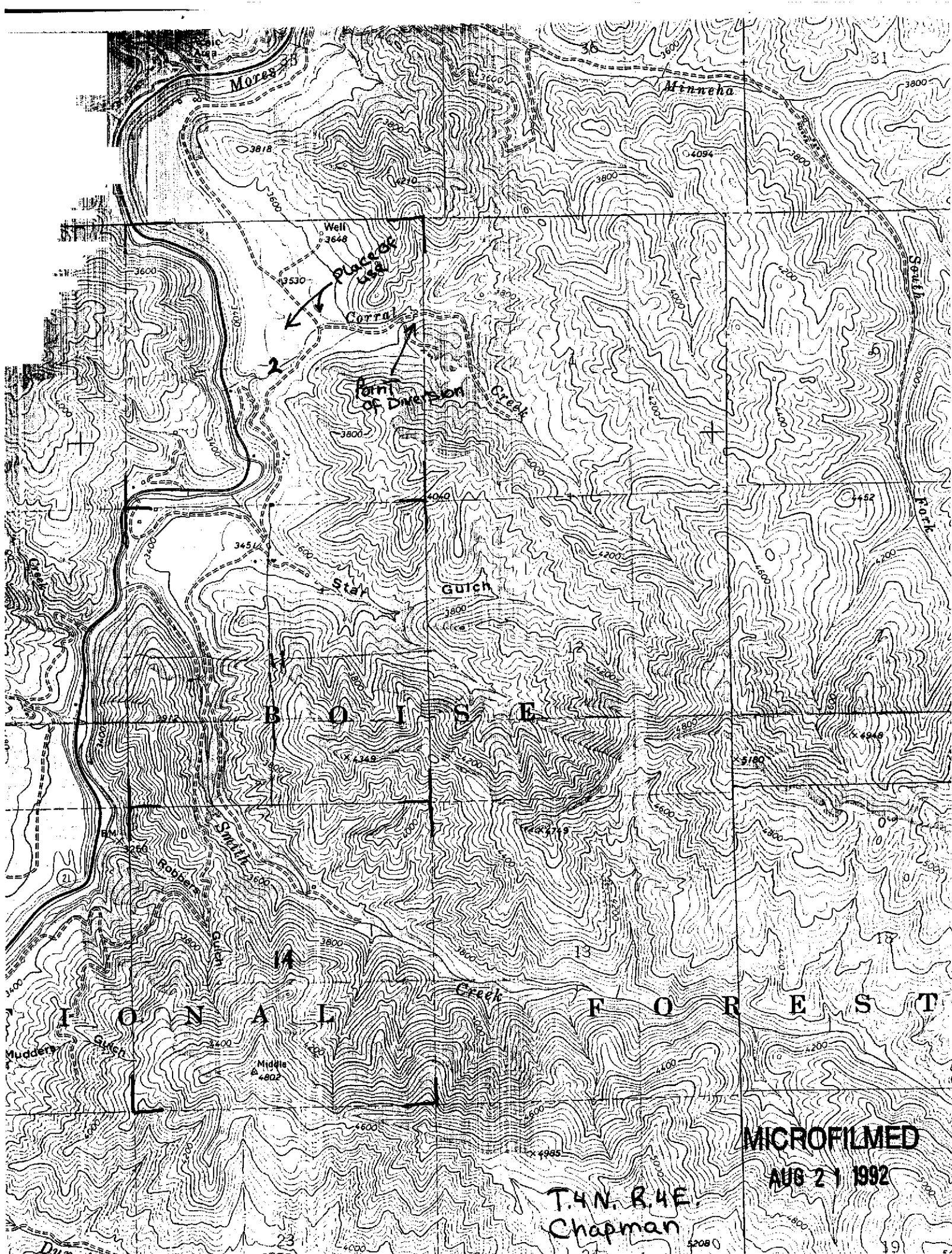
Date 5/17/89

MICROFILMED

AUG 21 1992

Last Name Chapman Ident. Number _____

Copies White-State, Yellow-Claimant



Instrument # 178874

IDAHO CITY, BOISE COUNTY, IDAHO

2000-10-19

09:40:52 No. of Pages: 2

Recorded for : SANDY SIMS

RORA A. CANODY

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEEDS

WARRANTY DEED

For Value Received, Chapman Ranch L.L.C., an Idaho limited liability corporation, GRANTOR, does hereby grant, bargain, sell and convey unto Osprey Land Company, an Idaho corporation, 737 N. 7TH St., Boise, Idaho 83702, GRANTEE, all property owned by Grantor in the following named subdivision, to-wit:

Lots 2, 9 and 10 in High Corral Subdivision and Lots 1 through 40 in High Corral Subdivision No. 2, Boise County, Idaho, according to the official plats thereof recorded as Instrument Nos. 90554 and 95943, records of Boise County, Idaho; and

All lots located in Osprey Subdivision Phase One, Boise County, Idaho, according to the official plat thereof recorded as Instrument No. 178682, records of Boise County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except Western Bank mortgage, easements and rights of way established, recorded or apparent upon visual examination of the Property, exceptions and reservations contained in United States Patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, restrictions and obligations imposed by governmental regulation and recorded restrictive covenants, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: October 12, 2000.

Corporation

Chapman Ranch L.L.C., an Idaho Limited Liability

Craig Marcus
Craig Marcus, Managing Member

Barry Marcus
Barry Marcus, Managing Member

Sandy Sims
Sandy Sims, Managing Member

STATE OF IDAHO)

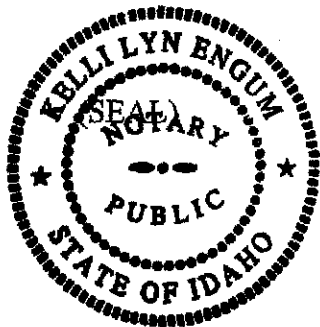
: ss.

County of Ada)

On this 18 day of October, 2000, before me, the undersigned, a Notary Public in and for said state, personally appeared Craig Marcus, Barry Marcus and Sandy Sims, known or identified to me to be the Managing Members of Chapman Ranch L.L.C., the persons who executed the foregoing instrument on behalf of said limited liability corporation, and acknowledged to me that Chapman Ranch L.L.C., executed the same.

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

Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/8/2004



Instrument # 181191

IDAHO CITY, BOISE COUNTY, IDAHO

2001-05-21

03:05:17 No. of Pages: 10

Recorded for : SANDY SIMS

RORA A. CANODY

Fee: 30.00

Ex-Officio Recorder Deputy

Index to: DEEDS

Shirley George

WARRANTY DEED

For Value Received, Chapman Ranch L.L.C., an Idaho limited liability corporation, GRANTOR, does hereby grant, bargain, sell and convey unto Osprey Land Company, an Idaho corporation, 737 N. 7TH St., Boise, Idaho 83702, GRANTEE, all property owned by Grantor, to-wit:

That real property located in Boise County, Idaho, which is described on Exhibit A-1, attached hereto and by reference made a part hereof, excluding Osprey Subdivision Phase One, the official plat of which is recorded in Boise County as Instrument No. 178682. The legal description of the excluded parcel (Osprey Subdivision Phase One) is attached hereto as Exhibit A-2.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except Western Bank mortgage, easements and rights of way established, recorded or apparent upon visual examination of the Property, exceptions and reservations contained in United States Patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, restrictions and obligations imposed by governmental regulation and recorded restrictive covenants, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: May 21, 2001

Chapman Ranch L.L.C., an Idaho Limited
Liability Corporation

Craig Marcus

Craig Marcus, Managing Member

Barry Marcus

Barry Marcus, Managing Member

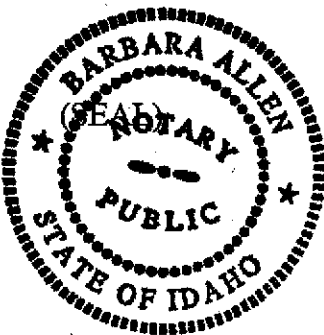
Sandy Sims

Sandy Sims, Managing Member

STATE OF IDAHO)
 : ss.
County of Ada)

On this 21st day of May, 2001, before me, the undersigned, a Notary Public in and for said state, personally appeared Craig Marcus, Barry Marcus and Sandy Sims, known or identified to me to be the Managing Members of Chapman Ranch L.L.C., the persons who executed the foregoing instrument on behalf of said limited liability corporation, and acknowledged to me that Chapman Ranch L.L.C., executed the same.

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



Barbara Allen

Notary Public for Idaho

Residing at Caldwell, Idaho

My Commission Expires: 5/1/2007

EXHIBIT A-1

**BOUNDARY DESCRIPTION
FOR
CHAPMAN RANCH, L.L.C.
OSPREY SUBDIVISION**

A parcel located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, Township 4 North, Range 4 East, Boise Meridian; Government Lots 1, 2 and 3 and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 2, Township 4 North, Range 4 East, Boise Meridian; the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 5 North, Range 4 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

BEGINNING at a brass cap monument marking the southwesterly corner of said SW $\frac{1}{4}$ of Section 35 (section corner), from which a brass cap monument marking the northwesterly corner of said SW $\frac{1}{4}$ (one-quarter corner) of Section 35 bears N 0°11'58" E a distance of 2636.69 feet;

Thence N 0°11'58" E along the westerly boundary of said SW $\frac{1}{4}$ of Section 35 a distance of 2055.02 feet to a 5/8 inch diameter iron pin on the southerly right-of-way of State Highway 21;

Thence along said southerly right of way the following described courses:

Thence leaving said westerly boundary a distance of 126.02 feet along the arc of 1859.86 foot radius non-tangent curve right, said curve having a central angle of 3°52'56" and a long chord bearing N 53°26'27" E a distance of 125.99 feet to a 5/8 inch diameter iron pin;

Thence N 55°22'55" E a distance of 394.10 feet to a 5/8 inch diameter iron pin;

Thence a distance of 133.89 feet along a spiral right, said spiral having a central angle of 7°00'00" and long chord bearing N 57°39'42" E a distance of 133.80 feet to a 5/8 inch diameter iron pin;

Thence a distance of 166.73 feet along the arc of a 522.96 foot radius curve right, said curve having a central angle of 18°16'00" and a long chord bearing N 71°30'55" E a distance of 166.02 feet to a 5/8 inch diameter iron pin;

Thence a distance of 133.89 feet along the arc of a spiral right, said spiral having a central angle of 7°00'00" and a long chord bearing N 85°22'08" E a distance of 133.80 feet to a 5/8 inch diameter iron pin;

Thence leaving said southerly right-of-way S 3°53'49" W a distance of 205.73 feet to a 5/8 inch diameter iron pin;

Thence S 82°57'58" W a distance of 94.33 feet to a 5/8 inch diameter iron pin;

Thence S 51°23'43" W a distance of 124.72 feet to a 5/8 inch diameter iron pin;

Osprey Subdivision
Page 2

Thence S 57°42'43" W a distance of 133.70 feet to a 5/8 inch diameter iron pin;

Thence S 47°56'17" E a distance of 348.16 feet to a 5/8 inch diameter iron pin;

Thence a distance of 271.57 feet along the arc of a 214.85 foot curve right, said curve having a central angle of 72°25'23" and a long chord bearing N 53°06'47" E a distance of 253.85 feet to a 5/8 inch diameter iron pin;

Thence N 89°19'28" E a distance of 87.85 feet to a 5/8 inch diameter iron pin;

Thence S 0°25'10" W a distance of 263.12 feet to a 5/8 inch diameter iron pin;

Thence S 11°09'53" E a distance of 60.00 feet to a 5/8 inch diameter iron pin;

Thence S 78°50'07" W a distance of 63.95 feet to a 5/8 inch diameter iron pin;

Thence a distance of 52.81 feet along the arc of 70.00 foot radius curve left, said curve having a central angle of 43°13'31" and a long chord bearing S 57°13'22" W a distance of 51.57 feet to a 5/8 inch diameter iron pin;

Thence S 35°36'36" W a distance of 112.40 feet to a 5/8 inch diameter iron pin;

Thence a distance of 41.80 feet along the arc of a 70.00 foot radius curve left, said curve having a central of 34°12'42" and a long chord bearing S 18°30'15" W a distance of 41.18 feet to a 5/8 inch diameter iron pin;

Thence S 1°23'54" W a distance of 55.68 feet to a 5/8 inch diameter iron pin;

Thence a distance of 43.16 feet along the arc of a 190.00 foot radius curve right, said curve having a central angle of 13°00'56" and a long chord bearing S 7°54'22" W a distance of 43.07 feet to a 5/8 inch diameter iron pin;

Thence S 14°24'50" W a distance of 122.16 feet to a 5/8 inch diameter iron pin;

Thence N 89°15'23" E a distance of 308.13 feet to a 5/8 inch diameter iron pin;

Thence S 52°33'20" E a distance of 199.33 feet to a 5/8 inch diameter iron pin;

Thence S 35°10'04" E a distance of 325.03 feet to a 5/8 inch diameter iron pin;

Thence S 50°44'01" E a distance of 138.64 feet to a 5/8 inch diameter iron pin;

Osprey Subdivision
Page 3

Thence S 67°11'16" E a distance of 213.20 feet to a 5/8 inch diameter iron pin;

Thence N 76°27'07" E a distance of 414.61 feet to a 5/8 inch diameter iron pin;

Thence S 69°40'09" E a distance of 839.24 feet to a 5/8 inch diameter iron pin;

Thence S 62°43'46" E a distance of 466.55 feet to a 5/8 inch diameter iron pin;

Thence S 38°47'18" E a distance of 899.50 feet to a 5/8 inch diameter iron pin;

Thence S 20°04'14" W a distance of 570.18 feet to a 5/8 inch diameter iron pin;

Thence S 26°46'44" W a distance of 775.93 feet to a 5/8 inch diameter iron pin;

Thence S 6°04'57" W a distance of 290.90 feet to a 5/8 inch diameter iron pin;

Thence S 74°18'55" E a distance of 284.13 feet to a 5/8 inch diameter iron pin;

Thence a distance of 32.84 feet along the arc of a 70.00 foot radius curve left, said curve having a central angle of 26°52'40" and a long chord bearing S 87°45'15" E a distance of 32.54 feet to a 5/8 inch diameter iron pin;

Thence N 78°48'25" E a distance of 281.55 feet to a 5/8 inch diameter iron pin;

Thence a distance of 29.09 feet along the arc of a 70.00 foot radius curve left, said curve having a central angle of 23°48'47" and a long chord bearing N 66°54'02" E a distance of 28.88 feet to a 5/8 inch diameter iron pin;

Thence N 54°59'38" E a distance of 188.49 feet to a 5/8 inch diameter iron pin;

Thence a distance of 51.88 feet along the arc of a 130.00 foot radius curve right, said curve having a central angle of 22°51'51" and a long chord bearing N 66°25'34" E a distance of 51.53 feet to a 5/8 inch diameter iron pin;

Thence N 77°51'29" E a distance of 123.60 feet to a 5/8 inch diameter iron pin on the boundary of *High Corral Subdivision* as shown on the plat on file in the office of the Recorder, Boise County, Idaho;

Thence along said boundary the following described courses:

Thence S 16°36'23" E a distance of 60.18 feet to a 5/8 inch diameter iron pin;

Osprey Subdivision

Page 4

Thence N 77°51'29" E a distance of 184.73 feet to a 5/8 inch diameter iron pin;

Thence N 73°47'10" E a distance of 111.17 feet to a 5/8 inch diameter iron pin;

Thence a distance of 157.96 feet along the arc of a 220.00 foot radius curve right, said curve having a central angle of 41°08'19" and a long chord bearing S 85°38'40" E a distance of 154.59 feet to a 5/8 inch diameter iron pin;

Thence S 65°04'31" E a distance of 115.61 feet to a 5/8 inch diameter iron pin;

Thence a distance of 41.24 feet along the arc of a 130.00 foot radius curve left, said curve having a central angle of 18°10'37" and a long chord bearing S 74°09'49" E a distance of 41.07 feet to a 5/8 inch diameter iron pin;

Thence leaving said *High Corral Subdivision* boundary S 4°00'00" E a distance of 312.20 feet to a 5/8 inch diameter iron pin;

Thence S 47°28'31" W a distance of 326.00 feet to a brass cap monument marking the southeasterly corner of said S ½ of the NW ¼ (one-quarter corner);

Thence S 89°39'04" W along the southerly boundary of said S ½ of the NW ¼ a distance of 2648.56 feet to a brass cap monument marking the southwesterly corner of said S ½ of the NW ¼ (C ¼ corner);

Thence N 0°24'32" E along the westerly boundary of said S ½ of the NW ¼ a distance of 1312.87 feet to a 5/8 inch diameter iron pin marking the southeasterly corner of said Government Lot 3;

Thence S 89°45'44" W along the southerly boundary of said Government Lot 3 a distance of 949.65 feet to a 5/8 inch diameter iron pin on the westerly right of way of said State Highway 21;

Thence leaving said southerly boundary and along said westerly right-of-way a distance of 615.14 feet along the arc of a 724.10 foot radius curve left, said curve having a central angle of 48°40'27" and a long chord bearing N 36°04'26" W a distance of 596.81 feet to a 5/8 inch diameter iron pin on the westerly boundary of said Government Lot 3;

Thence leaving said westerly right-of-way N 0°12'40" E along the westerly boundary of said Government Lot 3 a distance of 525.20 feet to a 5/8 inch diameter iron pin marking the northwesterly corner of said Government Lot 3;

Thence N 89°45'08" W along the southerly boundary of said SW ¼ of Section 35 a distance of 918.85 feet to the POINT OF BEGINNING.

Osprey Subdivision

Page 5

This parcel contains 227.10 acres and is subject to any easements existing or in use.

Prepared by: Glenn K. Bennett, PLS
Civil Survey Consultants, Incorporated
Revised: June 23, 2000

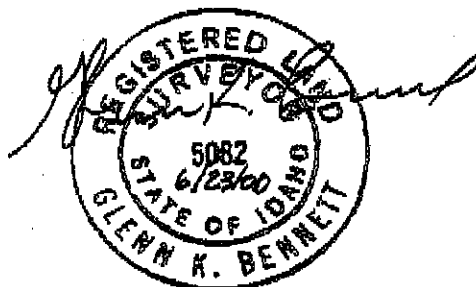


EXHIBIT A-2

BOUNDARY DESCRIPTION
FOR
OSPREY SUBDIVISION - PHASE 1

A parcel located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 1, Township 4 North, Range 4 East, Boise Meridian; Government Lots 1, 2 and 3 and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 2, Township 4 North, Range 4 East, Boise Meridian; the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 5 North, Range 4 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

BEGINNING at a brass cap monument marking the southwesterly corner of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 2, from which a brass cap monument marking the southeasterly corner marking the southeasterly corner of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$ bears N 89°39'04" E a distance of 2648.56 feet;

Thence N 0°24'32" E along the westerly boundary of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$ a distance of 1312.87 feet to a 5/8 inch diameter iron pin marking the southeasterly corner of said Government Lot 3;

Thence leaving said westerly boundary S 89°45'44" W along the southerly boundary of said Government Lot 3 a distance of 949.65 feet to a 5/8 inch diameter iron pin on the easterly right-of-way of State Highway 21;

Thence along said easterly right-of-way a distance of 615.14 feet along the arc of 724.10 foot radius curve left, said curve having a central angle of 48°40'27" and a long chord bearing N 36°04'26" W a distance of 596.81 feet to a 5/8 inch diameter iron pin on the westerly boundary of said Government Lot 3;

Thence leaving said easterly right-of-way N 0°12'40" E along last said westerly boundary and also along a line being the extension of last said westerly boundary a distance of 595.19 feet to a 5/8 inch diameter iron pin;

Thence leaving said westerly boundary extended S 89°45'08" E a distance of 440.19 feet to a 5/8 inch diameter iron pin;

Thence N 20°19'51" E a distance of 305.75 feet to a 5/8 inch diameter iron pin;

Thence S 69°40'09" E a distance of 519.04 feet to a 5/8 inch diameter iron pin;

Thence S 11°25'57" E a distance of 326.75 feet to a 5/8 inch diameter iron pin;

Thence S 89°35'28" E a distance of 402.21 feet to a 5/8 inch diameter iron pin;

Thence N 31°18'53" E a distance of 421.78 feet to a 5/8 inch diameter iron pin;

Thence N 70°46'03" E a distance of 94.20 feet to a 5/8 inch diameter iron pin;

Osprey Sub

Thence N 23°56'46" E a distance of 460.94 feet to a 5/8 inch diameter iron pin;

Thence S 69°40'09" E a distance of 239.67 feet to a 5/8 inch diameter iron pin;

Thence S 62°43'46" E a distance of 466.55 feet to a 5/8 inch diameter iron pin;

Thence S 38°47'18" E a distance of 899.50 feet to a 5/8 inch diameter iron pin;

Thence S 20°04'14" W a distance of 570.18 feet to a 5/8 inch diameter iron pin;

Thence S 26°46'44" W a distance of 775.93 feet to a 5/8 inch diameter iron pin;

Thence S 6°04'57" W a distance of 290.90 feet to a 5/8 inch diameter iron pin;

Thence S 74°18'55" E a distance of 284.13 feet to a 5/8 inch diameter iron pin;

Thence a distance of 32.84 feet along the arc of a 70.00 foot radius curve left, said curve having a central angle of 26°52'40" and a long chord bearing S 87°45'15" E a distance of 32.54 feet to a 5/8 inch diameter iron pin;

Thence N 78°48'25" E a distance of 281.55 feet to a 5/8 inch diameter iron pin;

Thence a distance of 29.09 feet along the arc of a 70.00 foot radius curve left, said curve having a central angle of 23°48'47" and a long chord bearing N 66°54'02" E a distance of 28.88 feet to a 5/8 inch diameter iron pin;

Thence N 54°59'38" E a distance of 188.49 feet to a 5/8 inch diameter iron pin;

Thence a distance of 51.88 feet along the arc of a 130.00 foot radius curve right, said curve having a central angle of 22°51'51" and a long chord bearing N 66°25'34" E a distance of 51.53 feet to a 5/8 inch diameter iron pin;

Thence N 77°51'29" E a distance of 123.60 feet to a 5/8 inch diameter iron pin on the boundary of *HIGH CORRAL SUBDIVISION* as shown on the plat on file in the office of the Recorder, Boise County, Idaho;

Thence along the boundary of said *HIGH CORRAL SUBDIVISION* the following described courses:

Thence S 16°36'23" E a distance of 60.18 feet to a 5/8 inch diameter iron pin;

Thence N 77°51'29" E a distance of 184.73 feet to a 5/8 inch diameter iron pin;

Thence N 73°47'10" E a distance of 111.17 feet to a 5/8 inch diameter iron pin;

Thence a distance of 157.96 feet along the arc of 220.00 foot radius curve right, said curve having a central angle of $41^{\circ}08'19''$ and a long chord bearing $S\ 85^{\circ}38'40''\ E$ a distance of 154.59 feet to a 5/8 inch diameter iron pin;

Thence $S\ 65^{\circ}04'31''\ E$ a distance of 115.61 feet to a 5/8 inch diameter iron pin;

Thence a distance of 41.24 feet along the arc of a 130.00 foot radius curve, said curve having a central angle $18^{\circ}10'37''$ and a long chord bearing $S\ 74^{\circ}09'49''\ E$ a distance of 41.07 feet to a 5/8 inch diameter iron pin;

Thence leaving said *HIGH CORRAL SUBDIVISION* boundary $S\ 4^{\circ}00'00''\ E$ a distance of 312.20 feet to a 5/8 inch diameter iron pin;

Thence $S\ 47^{\circ}28'31''\ W$ a distance of 326.00 feet to a brass cap monument marking the southeasterly corner of said $S\ \frac{1}{2}$ of the $NE\ \frac{1}{4}$ of Section 2;

Thence $S\ 89^{\circ}39'04''\ W$ along the southerly boundary of said $S\ \frac{1}{2}$ of the $NE\ \frac{1}{4}$ a distance of 2648.56 feet to the POINT OF BEGINNING.

This parcel contains 142.14 acres and is subject to any easements existing or in use.

Prepared by: Glenn K. Bennett, PLS
Civil Survey Consultants, Incorporated
May 16, 2001



RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Snake River Basin Adjudication
Change in Address of Notice of Claim

63-15684, -5332, -2412, -15677

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

Previous Mailing Address: HC 33 Box 1470 Boise ID
82706

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

Telephone Number: (208) 343 0076

Signature of Claimant(s): Honore Chapman

Please return this completed form to:

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

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

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

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

2/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Chapman, Norace

CLAIM IDENT. NO.

63-5332

DATE RECEIVED

5-19-87

CK #

5478

AMOUNT \$

60

YES

NO

Require
Init

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

☒

☐

*

2. Is a priority date entered?

☒

☐

*

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

☒

☐

*

3. (a) Is a source entered?

☒

☐

*

(b) Is a tributary to entered? (if required)

N/A

☒

☐

*

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

☒

☐

*

5. Is there a description of the diverting works?

☒

☐

*

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

☒

☐

*

Is the period of use included?

☒

☐

*

Is a quantity claimed for each use?

☒

☐

*

7. Is a total quantity claimed entered?

☒

☐

*

8. If required is a consumptive use entered?

N/A

☒

☐

*

Is the consumptive use correct?

N/A

☒

☐

*

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

N/A

☒

☐

*

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

☒

☐

*

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

☒

☐

*

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

☒

☐

*

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

☒

☐

*

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

N/A

☒

☐

*

15. Is the basis of the claim indicated?

☒

☐

*

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

☒

☐

*

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

☒

☐

*

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

☒

☐

*

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

☒

☐

*

20. Is the fee enclosed correct? Exempt

☒

☐

*

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

N/A

☒

☐

*

22. Should this claim be receipted and data entered?

☒

☐

*

Claim checked by:

HW

Date:

6-6-89

Claim must be returned to claimant:

(Yes)

(No)

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

(Yes)

(No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

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 SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-05332

2004 SEP 24 PM 4:38
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: OSPREY LAND CO
737 N 7TH ST
BOISE, ID 83702

SOURCE: CORRAL CREEK TRIBUTARY: MORES CREEK
MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.20 CFS
59.60 AFY

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

DIVERSION FROM MORES CREEK UNDER THIS RIGHT IS LIMITED TO THOSE
TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND
PRIORITY FROM CORRAL CREEK. AVAILABILITY OF WATER FROM CORRAL
CREEK SHALL BE DETERMINED BASED ON THE LESSER OF THE FLOW IN
CORRAL CREEK AT THE AUTHORIZED POINT OF DIVERSION OR AT THE
MOUTH OF CORRAL CREEK. THE TOTAL INSTANTANEOUS DIVERSION OF
WATER FROM ALL POINTS OF DIVERSION UNDER THIS RIGHT SHALL NOT
EXCEED 0.20 CFS.

THE TOTAL DIVERSION OF WATER FROM MORES CREEK UNDER RIGHTS
63-5332 AND 63-5334 SHALL NOT EXCEED 1.12 CFS.

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 63-5332 AND 63-5334 SHALL NOT EXCEED
2.14 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 266.6 AF.

PRIORITY DATE: 07/23/1900

POINT OF DIVERSION: T04N R04E S02 SENE Within Boise County
T05N R04E S35 NWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.10 CFS 45.00 AFY
	Stockwater	01-01 TO 12-31	0.10 CFS 14.60 AFY

THE PERIOD OF USE FOR THE IRRIGATION DESCRIBED IN THIS
APPROVAL MAY BE EXTENDED TO A BEGINNING DATE OF 3/1 AND AN
ENDING DATE OF 11/15 PROVIDED THAT BENEFICIAL USE OF THE WATER
CAN BE SHOWN AND OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
THE USE OF WATER BEFORE 4/1 AND AFTER 11/1 IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION
USE AND A PRIORITY DATE EARLIER THAN THE DATE OF THIS APPROVAL.
DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER
DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED
FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM
OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S.
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND
ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO
STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE

PURPOSE AND PERIOD OF USE (continued)

OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL
BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE:

Irrigation		Within Boise County
T04N R04E S02 LOT 2	(NWNE) 10.0	SWNE 10.0
	SENE 4.0	LOT 3 (NENW) 10.0
T05N R04E S15	NWSW 5.0	SWSW 15.0
	SESW 5.0	SWSE 1.0
60.0 Acres Total		

Stockwater	Within Boise County
Same as Irrigation	-

USE OF THIS RIGHT WITH RIGHT NO. 63-5334 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 56 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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

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.

Recommendation
Sept 24, 2004
John M. Melanson

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

08/12/2003

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

RIGHT NUMBER: 63-5332
NAME AND ADDRESS: OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: CORRAL CREEK
MORES CREEK
TRIBUTARY: MORES CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 0.200 CFS
59.60 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.

The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af.

PRIORITY DATE: 07/23/1900

POINT OF
DIVERSION: T04N R04E S2 SESE Within BOISE County
T05N R04E S35 NWNESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.100 CFS 14.60 AFY
IRRIGATION	04/01 11/01	0.100 CFS 45.00 AFY

Dr
Dr
Seher
CS/B

08/12/2003

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

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

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION Within BOISE County

T04N R04E S02 Lot 2 NWNE	10.0	T04N R04E S02 SWNE	10.0
T04N R04E S02 SENE	4.0	T04N R04E S02 Lot 3 NENW	10.0
T05N R04E S35 NWSW	5.0	T05N R04E S35 SWSW	15.0
T05N R04E S35 SESW	5.0	T05N R04E S35 SWSE	1.0

STOCKWATER same as IRRIGATION

60 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-5334 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 56 ACRES IN A SINGLE IRRIGATION SEASON.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

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

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

Dr
Q
Sub
GFB

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.

The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.

SOURCE IS ALSO KNOWN AS CORELL CREEK.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized

a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

DL
Sick
APPB

RECEIVED

SEP 10 2003

Department of Water Resources

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

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

In Re:	)	NOTICE OF APPEARANCE
	)	
SRBA	)	SUBCASE NOS: 63-2472
	)	63-31074
Case No. 39576	)	63-19A
	)	63-5332
	)	63-15677
	)	63-31173
	)	63-15684
	)	63-5108
	)	63-5334
	)	

TO: ALL PARTIES IN INTEREST:

COMES NOW, Barry Marcus of the law firm Marcus, Merrick, Christian & Hardee, and hereby enters his appearance in the above-entitled matter as attorney for the following named Claimants:

<u>Name & Address</u>	<u>Claim No(s).</u>
Chapman Ranch LLC 737 N. 7 th St. Boise, ID 83702	63-2472
Barry Marcus 737 N. 7 th St. Boise, ID 83702	63-31074 63-15677
Larry R. Smith Alda L. Smith 8442 W. Beachside Ct. Boise, ID 83703	63-19A
Osprey Land Co. 737 N. 7 th St. Boise, ID 83702	63-5332 63-5334
Hide Associates Partnership Boise Holcomb, Inc. 737 N. 7 th St. Boise, ID 83702	63-31173
Chapman Ranch, LLC 737 N. 7 th St. Boise, ID 83702	63-15684 63-5108

Dated this 5 day of September, 2003.

MARCUS, MERRICK, CHRISTIAN & HARDEE, L.L.P.

By Barry Marcus
Barry Marcus
Attorneys for Claimants

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of September, 2003, I caused to be served a true and correct copy of the foregoing **NOTICE OF APPEARANCE** in the above-referenced matter by the method indicated below, and addressed to the following:

Boise Project Board of Control

Represented by:

Albert P. Barker

Amy D. Chestnut

205 N. 10th St., Ste. 520

P.O. Box 2139

Boise, ID 83701-2139

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)
 :

United States of America

Represented by:

David Negri

U.S. Department of Justice

Environment & Natural Resource

550 W. Fort Street, MSC 033

Boise, ID 83724

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)
 :

Director of IDWR

P.O. Box 83720

Boise, ID 83720-0098

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)
 :

Michael Sweeney

28 N. Fork Clear Creek Rd.

Boise, ID 83716

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)
 :

Barry Marcus

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

RIGHT NUMBER: 63-5332

NAME AND ADDRESS:

OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: CORRAL CREEK Tributary: MORES CREEK
MORES CREEK BOISE RIVER

QUANTITY: 0.200 CFS 59.600 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.

The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af.

PRIORITY DATE: 07/23/1900

POINT OF DIVERSION:

T04N R04E S2 SENE
Within BOISE County

T05N R04E S35 NWNE
Within BOISE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
IRRIGATION		04/01 11/01	0.100 CFS 45.00 AFY
		03/15 11/15	
STOCKWATER		01/01 12/31	0.100 CFS 14.60 AFY

PLACE OF USE: IRRIGATION within BOISE County

T04N R04E S02 NWNE Lot 2 10.0

T04N R04E S02 SWNE 10.0

T04N R04E S02 SENE 4.0

T04N R04E S02 NENW Lot 3 10.0

T05N R04E S35 NWSW 5.0

T05N R04E S35 SWSW 15.0

T05N R04E S35 SESW 5.0

T05N R04E S35 SWSE 1.0

~~STOCKWATER within BOISE County~~

~~T04N R04E S02 SWNE~~

STOCKWATER Same as IRRIGATION

60 ACRES TOTAL

10 ACRES TOTAL

Use of this right with right no. 63-5334 is limited to the irrigation of a combined total of 56 acres in a single irrigation season.

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.

The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.

Source is also known as Corell Creek.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.

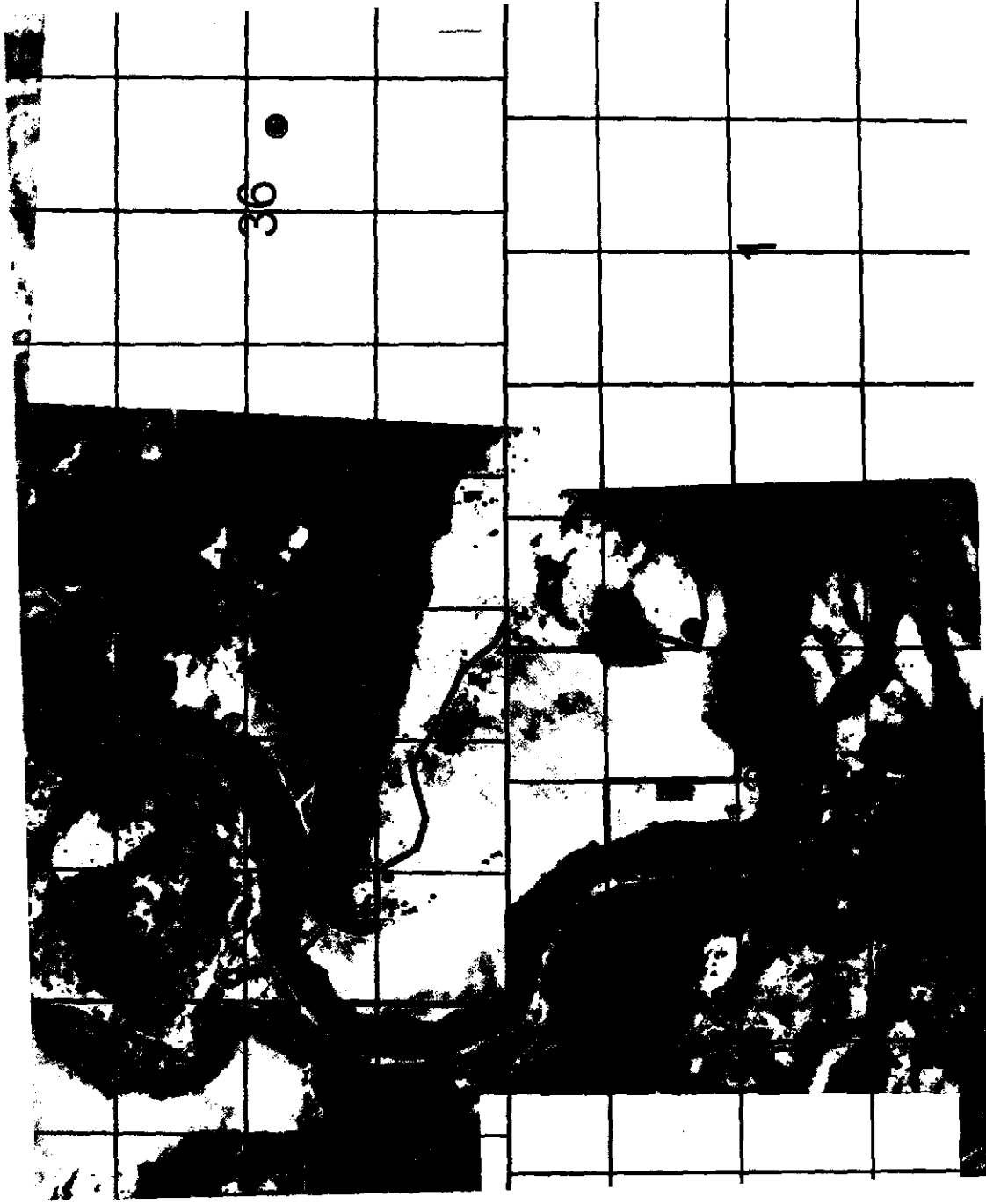
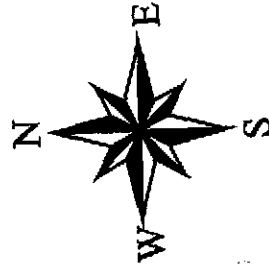
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

**Water Right No's. 63-5332 & 63-5334
OSPREY LAND COMPANY TRANSFERRED
PLACE OF USE AND POINTS OF DIVERSION**

**T4N, R4E, S2
T5N, R4E, S35 & 36**

● PT OF DIVERSION

□ PL OF USE



1 Miles



Page 2 of 5

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5332 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to 12/31		0.10 CFS	14.6 AF
IRRIGATION	04/01 to 11/01		0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK SENE Sec. 2 Twp 04N Rge 04E BOISE County
 MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 04E 2		10.0	10.0	4.0	10.0												34.0
		L 2			L 3												
05N 04E 35								5.0	15.0	5.0					1.0		26.0

Total Acres: 60

CONDITIONS OF APPROVAL

- Exp 1. ^{T1} The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Exp 2. ^{T2} Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. ^{T1} ^{Qnt?} Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

change to CFS

Page 3 of 5

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

- Qnt 5. ✓ The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.
- Qnt 6. ✓ Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
- Qnt 7. ✓ The total diversion of water from Mores Creek under Rights 63-5332 and 65-5334 shall not exceed 1.12 cfs.
- Exp? 8. ✓ The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
- Exp? 9. ✓ The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
- Boq Exp 10. ✓ Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
- Exp 11. ✓ The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- Qnt Rds 12. ✓ This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- Pou Irrig 13. ✓ This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
- Purpose of Use 14. ✓ The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- Qnt Nos Not 15. ✓ The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2 day of May, 20 03


 For Chief, Water Allocation Bureau

Page 1 of 5

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO: 69538

This is to certify that: CHAPMAN RANCH LLC

737 N 7TH ST
BOISE ID 83702
(208)342-2563

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-5332	AJC/Beneficial Use	07/23/1900	0.2 cfs	N/A		10.0	CORRAL CREEK
63-5334	AJC/Beneficial Use	08/15/1889	1.94 cfs	N/A		46.0	MINNEHA CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-5332	NO	NO	YES	YES	NO	NO
63-5334	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-5332	63-5332	0.2 cfs	59.6 af	10.0	60.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	60.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.14 cfs	266.6 af	56	60		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2 day of May, 2003


For Chief Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69538

This is to certify that: CHAPMAN RANCH LLC
737 N 7TH ST
BOISE ID 83702
(208)342-2583

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-5332	AJC/Beneficial Use	07/23/1900	0.2 cfs	N/A		10.0	CORRAL CREEK
63-5334	AJC/Beneficial Use	08/15/1889	1.94 cfs	N/A		46.0	MINNEHA CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-5332	NO	NO	YES	YES	NO	NO
63-5334	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-5332	63-5332	0.2 cfs	59.6 af	10.0	60.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	60.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.14 cfs	266.6 af	56	60		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18 day of March, 2003

For *[Signature]*
Chief, Water Allocation Bureau

LOAN -
PLS. KEEP
THIS UNTIL
NEXT MTC.

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5332 is now described as follows.

Right Holder: CHAPMAN RANCH LLC
 737 N 7TH ST
 BOISE ID 83702

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.10 CFS	14.6 AF
IRRIGATION	04/01 to	11/01	0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK SENE Sec. 2 Twp 04N Rge 04E BOISE County
 MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County

PLACE OF USE: STOCKWATER, same as Irrigation

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	04E	2	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			10.0	10.0	4.0		10.0												34.0
05N	04E	35		L2			L3				5.0	15.0	5.0				1.0		26.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the mouth of Corral Creek where it discharges into Mores Creek and b) the mouth of Minneha Creek where it discharges into Mores Creek.

change to CFS
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WATER RIGHT NO. 63-5332
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

- Qnt 5. The total instantaneous diversion of water from all points of diversion under Rights 63-5332 and 63-5334 shall not exceed 2.14 cfs, nor total combined annual volume of 266.6 af and the irrigation of 56 acres within the place of use described above in a single irrigation season.
6. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
7. The right holder shall designate one person who is responsible for monitoring and recording the flow rates measured and diverted from the various sources and points of diversion from the sources described by these water rights. Every year the main address and telephone number of the person responsible for monitoring and recording shall be sent to the Department of Water Resources prior to the irrigation season. Any change in the responsible person must be sent to the department within one week following the change. The notice of the responsible person must also reference the water rights that are being monitored and recorded.
8. The person in charge of monitoring and recording the diversion of water must submit measurement records for the first two (2) years of water use. Following the first two years of water use, reports need not be submitted to the department unless specifically required by subsequent written request by the department.
- BOG 9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
- EMP 10. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- Qnt 11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
13. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18 day of March, 20 03


for Chief, Water Allocation Bureau

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

In Re SRBA

Case No. 39576

Water Rights: 63-5332, 63-5334

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion XX Place of use

XX Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Source & Tributary; Conditions & Remarks

☐ IC § 42-219 license

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

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

DATED: July 16, 2003

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 16, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

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

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

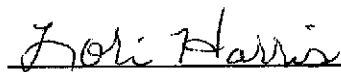
3. Copies to all parties to the subcase:

Osprey Land Co.
737 N. 7th St.
Boise, ID 83702

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

Boise Project Board of Control
c/o Albert P. Barker/Amy D. Chestnut
P.O. Box 2139
Boise, ID 83701-2139

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



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 16, 2003

OSPREY LAND CO
737 N 7TH ST.
BOISE ID 83702

Dear Sirs:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-5332
(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 Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Osprey Land Co
Address: 737 N 7th St
Boise, ID 83702

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

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

E. REASONS SUPPORTING EACH OBJECTION(S):

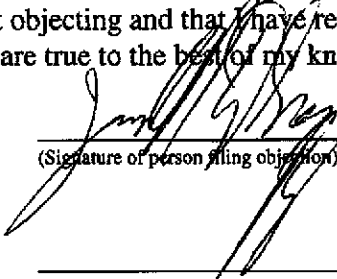
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

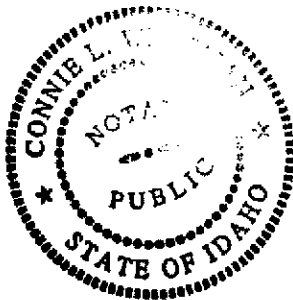
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003



Connie L. Wensman
Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Osprey Land Co

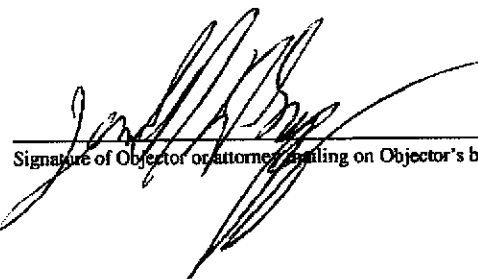
Address: 737 N 7th St
Boise, ID 83702

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

Page 1

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

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

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

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

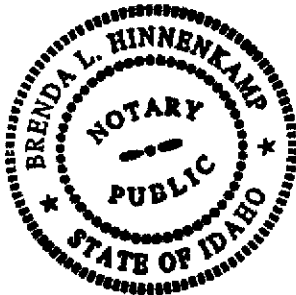
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: See Attachment B
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

Attachment A

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

ATTACHMENT D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

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

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

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

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

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

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2002

OSPREY LAND COMPANY
737 N 7TH ST
BOISE ID 83702

Dear Sirs:

Enclosed is a copy of the Notice of Administrative Proceeding regarding your water right(s) that have been sent to the Snake River Basin Adjudication Court in Twin Falls. This document is required to be filed by the Department in order to notify the Court of any contemplated changes to your water right(s).

The SRBA Court or Water Resources will notify you of any future action on your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

LH:I
Enclosure

**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

Water Rights: 63-5332, 63-5334

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

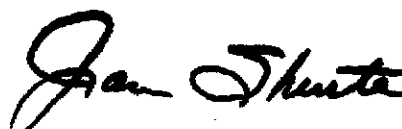
The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ Amended Transfer Pending

IDWR projects the Administrative Proceeding shall be completed not later than:

July 1, 2003

Dated October 1, 2002



Signature of IDWR Representative

INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on October 1, 2002, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to Claimant:
Osprey Land Company
737 N. 7th St.
Boise, ID 83702
3. One copy to:
Each party in the subcase, or attorney of record:
N/A

Joli Harris

Signature of person or attorney mailing the form

PART 1 . ORIGINAL

**WATER RESOURCES
WESTERN REGION**

Total Acres . 80

PART 1

6. General Information:

a. Description of diversion system Proposed pump station on Mores Creek with one or more
pumps with electric motors totaling approximately 75 hp. Buried pipelin
6" (8-inch diameter) to subdivision, with smaller branch pipelines to lots.
Existing gravity diversion points and ditches.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes x No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or
contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Some of the lands currently irrigated will be removed from irrigation by
subdivsion development. Total number of acres irrigated will be unchanged
following transfer.

d. Remarks:

The proposed water right transfer will provide irrigation to lots within
Osprey Subdivision. Pumped diversion rate will be limited to 0.02 cfs/ac.
Water will not be pumped from Mores Creek under these rights at rates in
excess of the flows passing existing diversion points on Minneha and Corral
Creeks and flowing into Mores Creek.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-5334 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Minneha Creek tributary to Mores Creek

4. Date or priority 8/15/1889

5. Water is used for the following purposes:

amount 3.20 cfs for irrigation purposes from 5/1 to 10/01
(cfs/ac-ft)
amount 0.03 cfs for stockwater purposes from 5/1 to 10/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	36	5N	4E	Boise	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	4E	35										20	30						50

Place of use for stockwater same as irrigation

Total Acres 50

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-5332 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Corral Creek tributary to Mores Creek

4. Date or priority 7/23/1900

5. Water is used for the following purposes:

amount 0.10 cfs for irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)

amount 0.10 cfs for stockwater purposes from 1/01 to 12/01
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.20 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	2	4N	4E	Boise	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4E	2			10														10
		2			S														

Total Acres 10

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

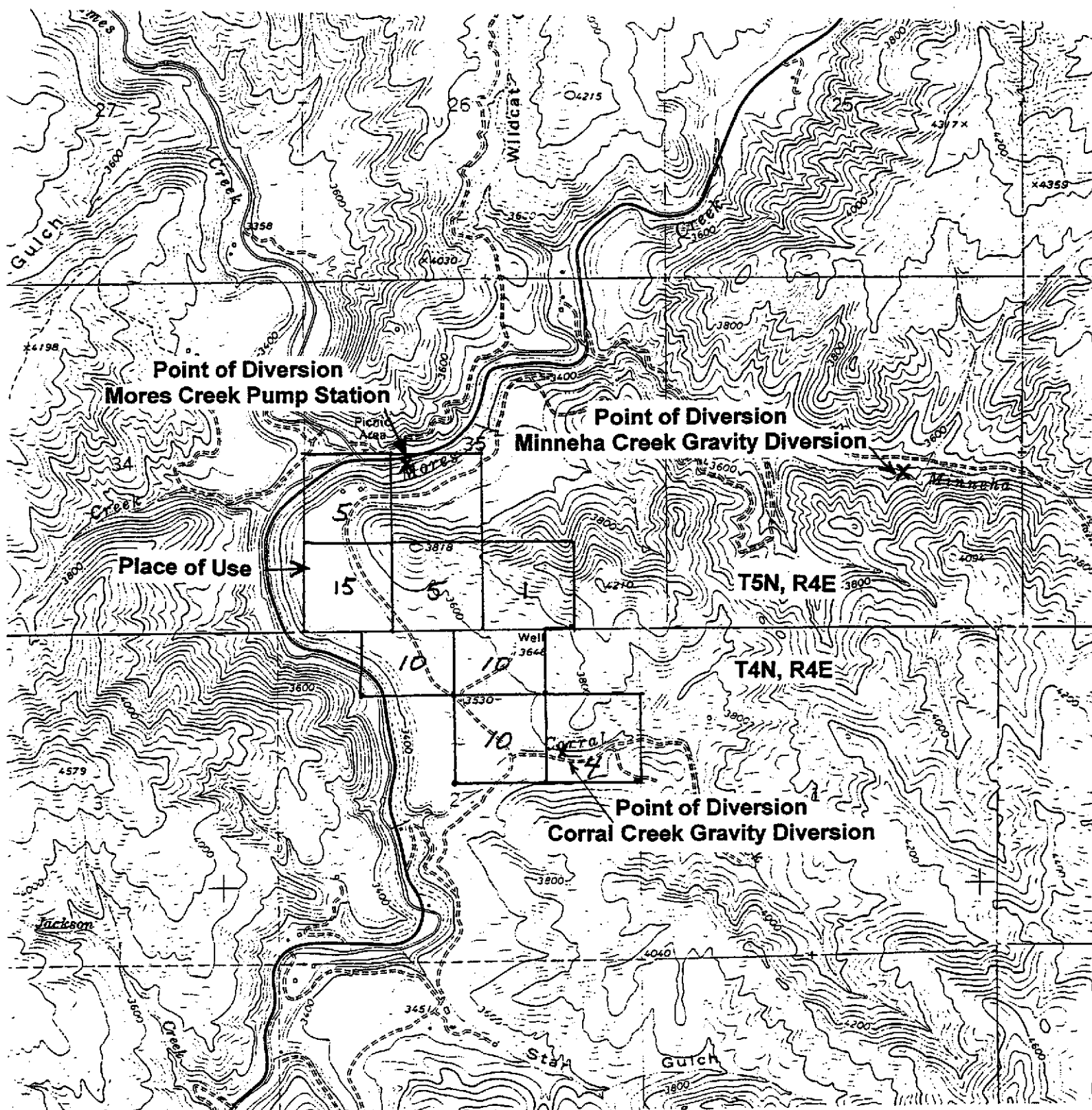
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the right described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Chapman Ranch LLC

By Barry Marcus, Managing Member

(Signature of Applicant)

Subscribed and sworn to before me this 15th day of May, 2001

Diane L. Deschbacher
(Notary Public)

My commission expires 5/7/03

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments (A-E)

Received by LM Date 3-15-01 Protest filed by _____

Prelim. Check by g Fee _____

Receipted by LM Date 5-15-01 WD27760

Published in IDAHO WORLD Copies of protest forwarded by _____

Pub. Dates ~~11-21-28-01~~ 1-16-23-2002 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

163091

ST# 163091
REQUEST Marcus, Murick & Montgomery
96 DEC 16 AM 10:02
BOISE COUNTY RECORDER
BY Shirley George
TYPE Deed FEE \$21.00

QUITCLAIM DEED

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

SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION

together with their appurtenances.

DATED this 6th day of ^{December}~~November~~, 1996.

Horace Chapman
Horace Chapman, a single man

Earl Chapman
Earl Chapman, a single man

Craig Marcus
Craig Marcus, a married man

Lynne Marcus
Lynne Marcus, a married woman

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

STATE OF IDAHO)

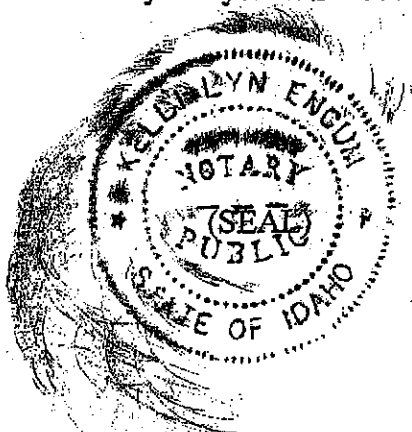
: ss.

County of Ada)

December

On this 6th day of ~~November~~, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Horace Chapman and Earl Chapman, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Kelli Lyn Engum

Notary Public for Idaho

Residing at Caldwell, Idaho

My Commission Expires: 10/14/98

STATE OF IDAHO)

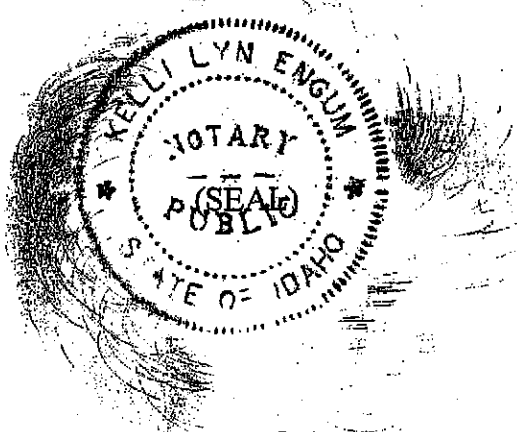
: ss.

County of Ada)

December

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

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



Kelli Lyn Engum

Notary Public for Idaho

Residing at Caldwell, Idaho

My Commission Expires: 10/14/98

STATE OF IDAHO)

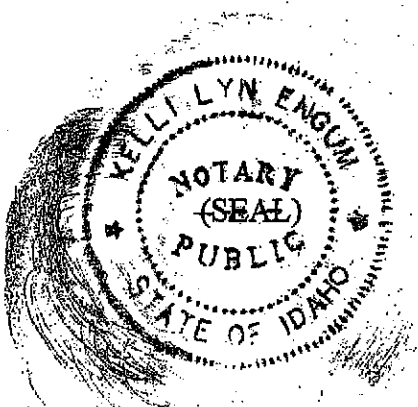
: ss.

County of Ada)

December

On this 6th day of ~~November~~, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Barry Marcus, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



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

EXHIBIT A

1. The following described land in Township 4 North, Range 3 East B.M.:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11.

2. The following described land in Township 4 North, Range 4 East B.M.:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 3 and 4, all in Section 1 but excepting therefrom the area of the High Corral subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho which lies within said Section 1.

Lots 1, 2, and 3, that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of Mores Creek, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2 excepting therefrom the area of the High Corral Subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho lying within said Section 2.

That part and parcel of the S $\frac{1}{2}$ NE $\frac{1}{4}$ which lies East of the Idaho State Highway #21 containing approximately 15 acres, that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying to the East of the easternmost bank of Mores Creek, that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ that lies on the East side of Mores Creek beginning at the North 1/16th corner common to Sections 10 and 11 thence North 0°12'30" West along the Section line between Sections 10 and 11 to the intersection with the left bank of Mores Creek (facing downstream) thence Southerly along the left bank of Mores Creek to the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ thence Easterly along the South boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ containing one acre more or less, all in Section 10.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 11.

NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 12.

NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 14 excepting therefrom the area of Rimview Subdivision No. 2 according to the plat thereof on file in the office of the County Recorder of Boise County, Idaho which lies within said Section 14.

That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Easterly of the Easternmost bank of Mores Creek, that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of the Southern and Eastern bank of Mores Creek, that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying to the East of the Eastern bank of Mores Creek, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 3 all in Section 15 excepting the areas of

Rimview Subdivision #1 and the areas of Rimview Subdivision #2 as shown on the plats thereof on file in the office of the County Recorder of Boise County, Idaho lying within said Section 15.

EXCEPTING THEREFROM Those parcels of property which have previously been conveyed to Barry Marcus by Deeds of Gift dated May 14, 1996 and October 10, 1996, which parcels are more particularly described on Exhibit A-1 attached hereto and by reference made a part hereof.

3. The following described land in Township 5 North, Range 4 East B.M.:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 35 subject to an existing contract of sale to Cumer Green.

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35 subject to an existing contract of sale for approximately 3 acres to Lee Denton.

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35 subject to an existing contract of sale to John Fisher.

SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35.

4. All water rights, mineral rights, improvements, and other appurtenances appurtenant to the above described real property.

5. All lots owned in High Corral Subdivision as shown on the plat thereof on file in the office of the County Recorder of Boise County, Idaho.

EXHIBIT A-1

Parcel No. 1:

A part of the NW $\frac{1}{4}$, Section 11, T. 4 N., R. 4 E., B.M., Boise County, Idaho, described more particularly as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 88°41'51" E., along the section line common to Section 2 and 11, T. 4 N., R. 4 E., B.M. a distance of 2,089.73 feet;

Thence S. 64°05'53" W., a distance of 401.46 feet;

Thence S. 87°45'30" W., a distance of 868.97 feet;

Thence S. 47°59'12" W., a distance of 592.42 feet;

Thence S. 31°04'09" W., a distance of 403.43 feet;

Thence S. 31°10'33" W., a distance of 193.40 feet;

Thence S. 23°16'48" W., a distance of 269.37 feet

to the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line common to Sections 10 and 11, T. 4 N., R. 4 E., B.M. a distance of 1,316.86 feet to the point of beginning, containing 16.75 acres more or less.

Parcel No. 2:

A part of the NE~~NW~~ $\frac{1}{4}$ Section 11, T. 4 N., R. 4 E., B.M., described more particularly as follows:

Beginning at the $\frac{1}{4}$ corner common to Sections 2 and 11, T. 4 N., R. 4 E., B.M.;

Thence S. 88°41'51" W. 490.00 feet along the section line common to Sections 2 and 11, T. 4 N., R. 4 E., B.M., Thence S. 64°05'53" W. 401.46 feet; Thence S.

74°02'30" E. 357.48 feet; Thence S. 39°56' E. 465.14 feet; Thence N. 18°01'30" E. 674.58 feet to the point of beginning, containing 5.689 acres more or less.

Parcel 3:

That part of the NE~~1~~⁴NE~~4~~⁴ Section 10, T. 4 N., R. 4 E., B.M., that lies on the East side of Mores Creek, Boise County, Idaho and described more particularly as follows:

Beginning at the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line between Sections 10 and 11 to the intersection with the left bank of Mores Creek; Thence Southerly along the left bank of Mores Creek to the South boundary of the NE~~1~~⁴NE~~4~~⁴ Section 10, T. 4 N., R. 4 E., B.M.; Thence easterly along the South boundary of said NE~~1~~⁴NE~~4~~⁴ Section 10 to the point of beginning, containing one acre, more or less.

Parcel No. 4:

That part of the SW~~1~~⁴SW~~4~~⁴ Section 2, T. 4 N., R. 4 E., B.M., that lies on the South and East side of Mores Creek, Boise County, Idaho, containing 10 acres more or less.

Parcel No. 5:

Lot 1 of Mores Creek Heights Subdivision, according to the official plat thereof, recorded as Instrument No. 95549, records of Boise County, Idaho.

07/31/2002

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

RIGHT NUMBER: 63-5332

NAME AND ADDRESS: OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: CORRAL CREEK TRIBUTARY: MORES CREEK

QUANTITY: 0.20 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 07/23/1900

POINT OF DIVERSION:
T04N R04E S2 SENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.100 CFS
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: STOCKWATER Within BOISE County
T04N R04E S02 SWNE
IRRIGATION Within BOISE County
T04N R04E S02 SWNE 10.0

10 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS CORELL CREEK.

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

CLAIM NO(s). A63-5332

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: Osprey Land Co.
☐ No Change ADDRESS
☒ NEW ADDRESS: 737 N. 7th ST. Boise

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: 7-23-1900
(If the priority date, based on your exam, seems questionable, explain below.)

See attached copy of posted notice by
T.F. High

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

Source found: aka Corell Creek.

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

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

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

POD & system is subject to change pending
approval of a transfer application

6. ☒ No Change - WATER USES

☒ Different uses, (list uses found):

Use Irrigation From 3-15 To 11-15 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 # 70 List types: _____

Additional comments: _____

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

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

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

Land is part of Osprey Sub development.
Pending transfer to move POB to Moses Creek.

☒ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-15-2001

FIELD EXAMINER: Mel Schulte

Print Name

Signature

C18 + N05 + N08
Exp - stock = 70

A63-5332

PHOTOS TAKEN 08/27/2001

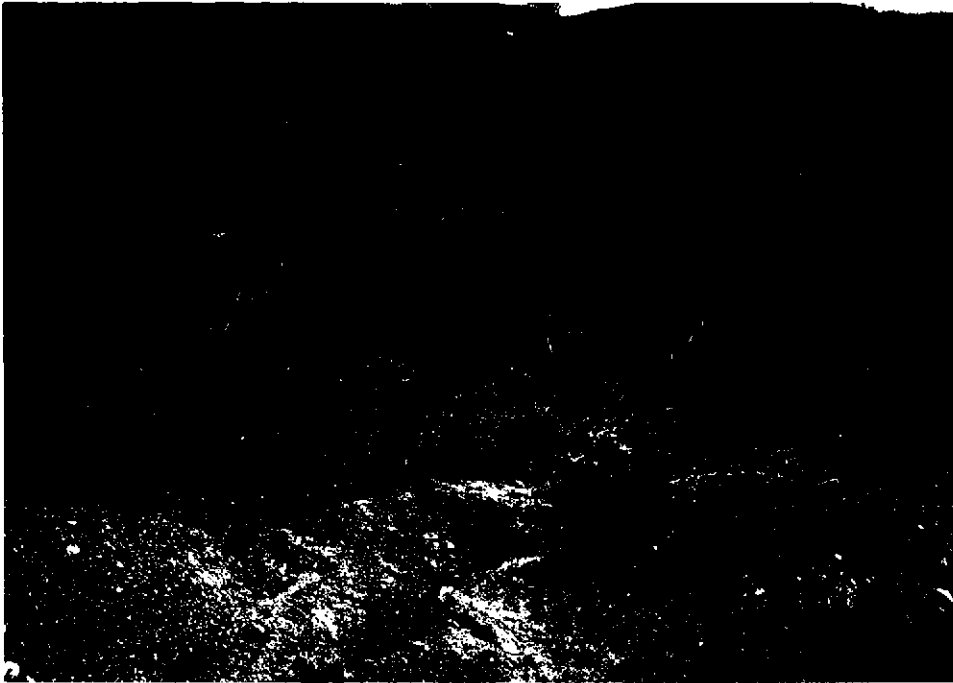


PHOTO #1
POD LOOKING EAST
UPSTREAM FROM
THE POD

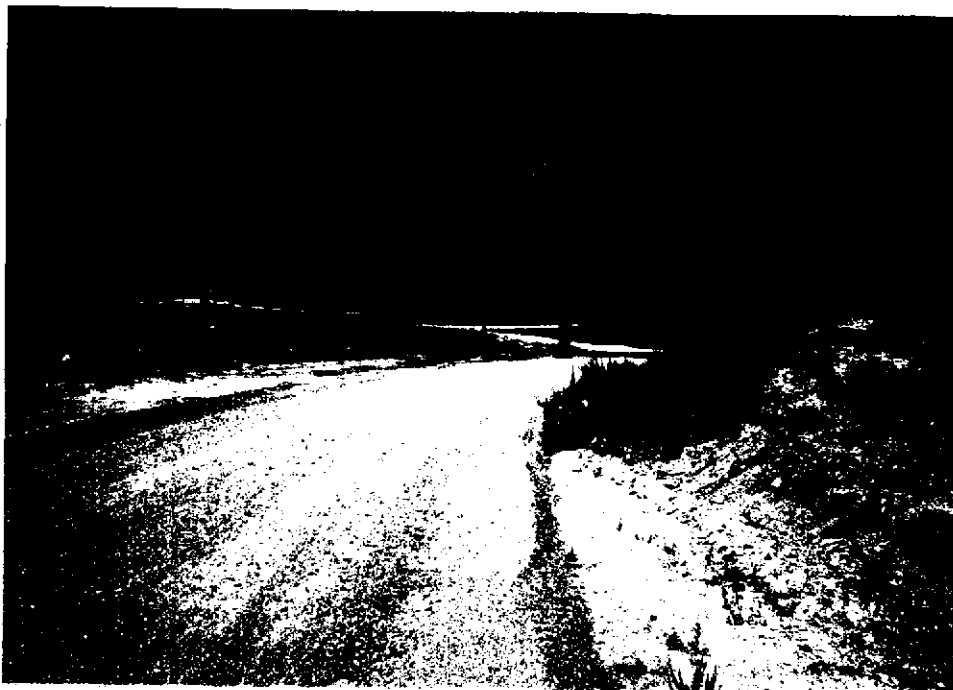


PHOTO #2
PART OF POU
LOOKING WEST
FROM THE POD

A63-5332

PHOTOS TAKEN 010/12/2001

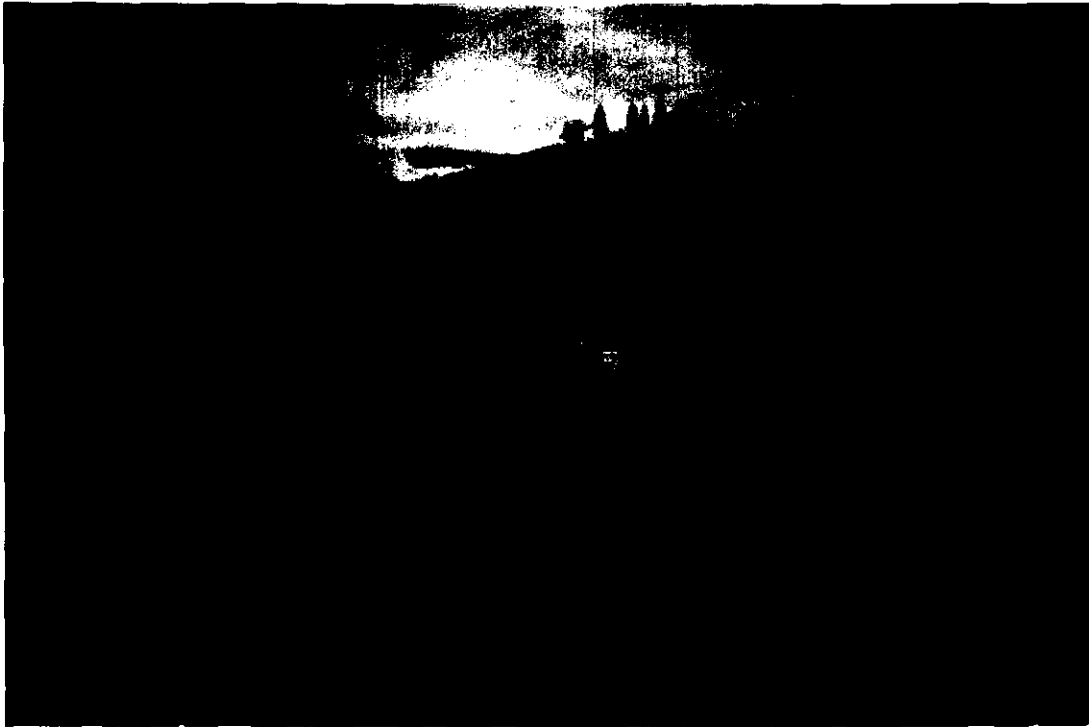
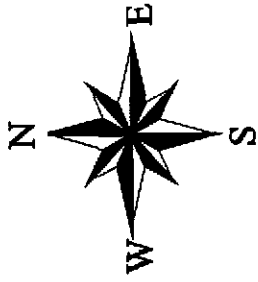


PHOTO #3
PART OF POU
LOOKING NORTH
FROM THE ROAD
AT THE SOUTH SIDE

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte

0.75 Miles

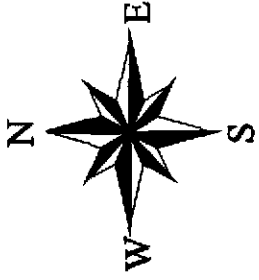
0.25

0.5

0

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

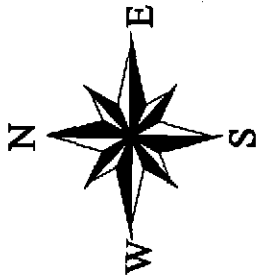
CLAIM(S): 63-05332

OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T04N, R04E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-05332

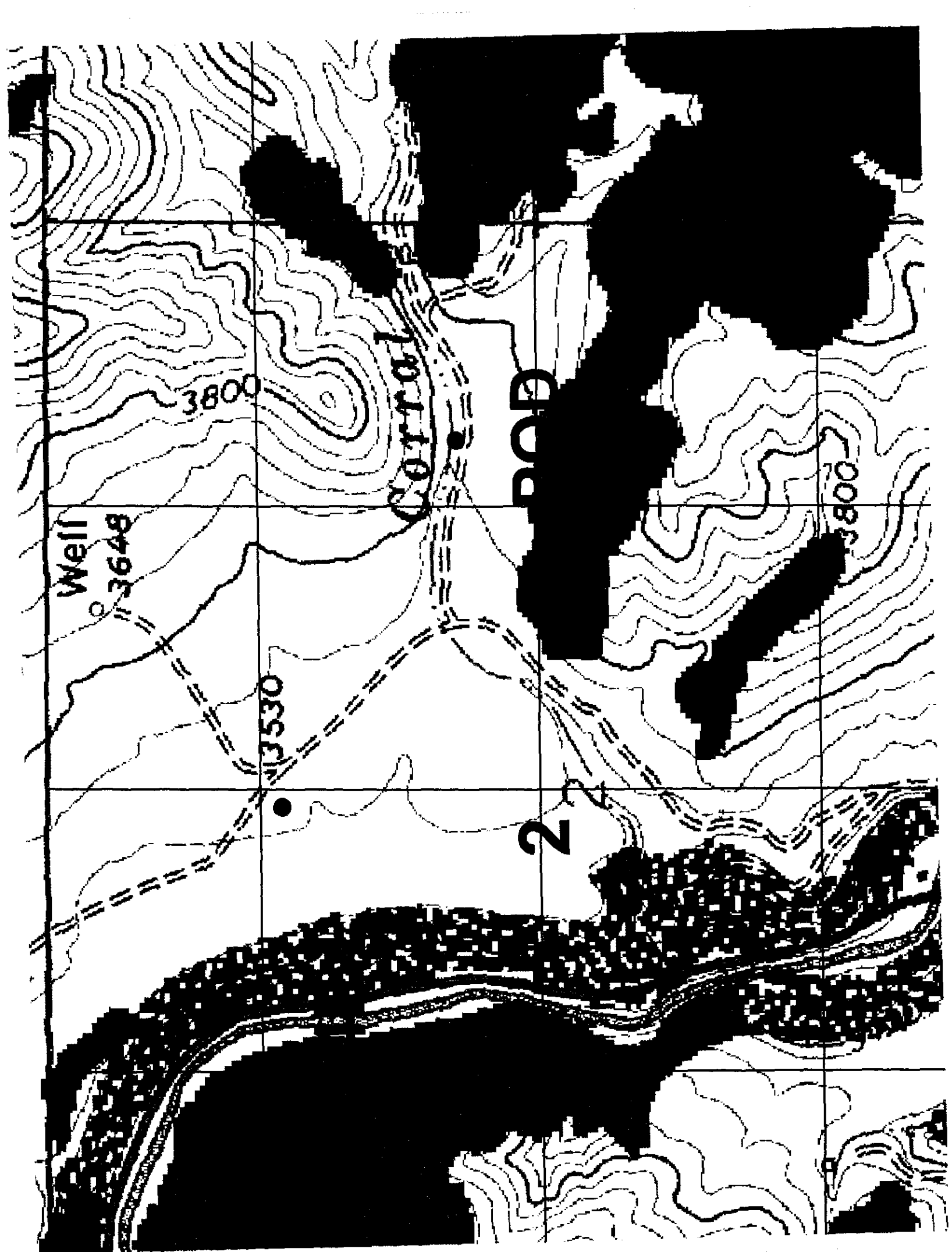
OWNER(S): OSPREY LAND CO

DATE: AUGUST 24, 2001

by: Mel Schulte

0 0.25 0.5 0.75 Miles





463-5332

WE

(10)

pon

edito

pon

to cover
total

corral

2

A63-5332.

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW
Claim	63 5332	OSPNEY L	CORRAL C	04N04E2			X					
Claim	63 15677	BARRY M/	SPRING	04N04E2								
Claim	63 15677	BARRY M/	SPRING	04N04E2					X			
Claim	63 10457	CUMER L	'GROUND	'04N04E2								17
Claim	63 10457	CUMER L	'GROUND	'04N04E2								X
Claim	63 5332	OSPNEY L	CORRAL C	04N04E2			10					
Claim	63 31074	BARRY M/	MORES CI	04N04E2								

No overlaps

State of Ohio }
County of _____ }

I have by costly weathering & successful war filed
 in word a request of M. C. Young - terminate
 has a week to the 21st day of July 1888.
 J. J. Ford
 Captain General

State of Idaho } ss.
County of Boise }

It is observed with interest that
J. M. K. of the same Creek, instruct. of Morris Creek,
Grove Co., Idaho has, in the same, all the nature
of the creek, which to the extent of not less than 500 feet
is secured.

It is situated in the first salt water well on the first
shore a copy of the notice is sent, and more definitely
described as follows: about one mile up the gulch
just below the canyon where the gulch becomes
narrower and a growth of timber begins.

These studies for which, said water is intended, to be used, in mining, irrigation and domestic purposes.

The place of intended service is the 16. North's Eastward
of "Korowick" road. The North side of road. Sub-
strate - junction of road with Morris Creek.

He is intended to give a good water by means of a ditch.

The general case of the n -sided case is not so complicated

This is devoted to the said water for irrigating the following described lands: to-wit: the Cult. under

The area of hands placed to be irrigated by suction
which is 32 sq. cm.

W. H. Murray, General, Morris Creek, S. D. & Co. S. D.
This 16th. day of July 1900.

J. B. High. Lieutenant.

States of Union }
(number of times)

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 21, 2001

OSPREY LAND COMPANY
737 N 7TH ST
BOISE ID 83702

Re: Notice of Claim to a Water Right No. 63-05332 & 63-05334

Dear Claimant(s):

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

HORACE CHAPMAN
40 ADAMS RD
BOISE ID 83716

Re: Claim No(s) 63-5108

63-5109, 63-5332, 63-5334

63-5373, 63-15677, 63-15683
63-15684

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2001

HORACE CHAPMAN
EARL CHAPMAN
40 ADAMS RD
BOISE ID 83716

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

Dear Claimant(s):

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

A43-5332.

1. Ownership
2. POB on Canal Creek - GPS
SENE, S2
3. POU shape?

#020

343765
292106.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5332

WATER RIGHT NUMBER: 63-5332

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HORACE CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076
Current Owner	EARL CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076

Priority Date: 07/23/1900

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.100 CFS	
IRRIGATION	4/01 to 11/01	0.100 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

CORRAL CREEK	SE1/4NE1/4	Sec. 2, Twp 04N, Rge 04E, B.M.
BOISE County		

Place of UseSTOCKWATER Within BOISE County

T04N R04E S02 SWNE

Total Acres: 0

IRRIGATION Within BOISE County

T04N R04E S02 SWNE 10.0

Total Acres: 10

Conditions of Approval:Remarks:

1. SOURCE KNOWN LOCALLY AS CORELL CK.^^Address change by DB 7/16/2001

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5332

WATER RIGHT NUMBER: 63-5332

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EARL CHAPMAN C/O IDAHO CITY STAGE BOISE, ID 83706
Current Owner	HORACE CHAPMAN C/O IDAHO CITY STAGE BOISE, ID 83706

Priority Date: 07/23/1900

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.100 CFS	
STOCKWATER	1/01 to 12/31	0.100 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

CORRAL CREEK	SE1/4NE1/4	Sec. 2,	Twp 04N,	Rge 04E, B.M.
BOISE County				

Place of UseIRRIGATION Within BOISE County

T04N R04E S02 SWNE 10.0

Total Acres: 10

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General SOURCE KNOWN LOCALLY AS CORELL CK.^^

Comments:Dates and Other Information:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Horace Chapman and Earl Chapman
(Name of Claimant)
c/o Idaho City Stage, Boise, Idaho 83706 Telephone No. 343-0076
(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) July 23, 1900 -- Notice of Water
 A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water Right
 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)
Corral (aka Corell) Creek tributary to Mores Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	.1 cfs	Use Irrigation and	Period of Use From 4/1	To 11/1
Quantity	.1 cfs	Use Stock water	Period of Use From 1/1	To 12/31
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, all)
- (5) All Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 2 Twp. 4 N., Rge. 6 E., B.M., County of Boise
Additional points of diversion:

B1) 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. ditch approx. 1' x 1'

- 16) 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]

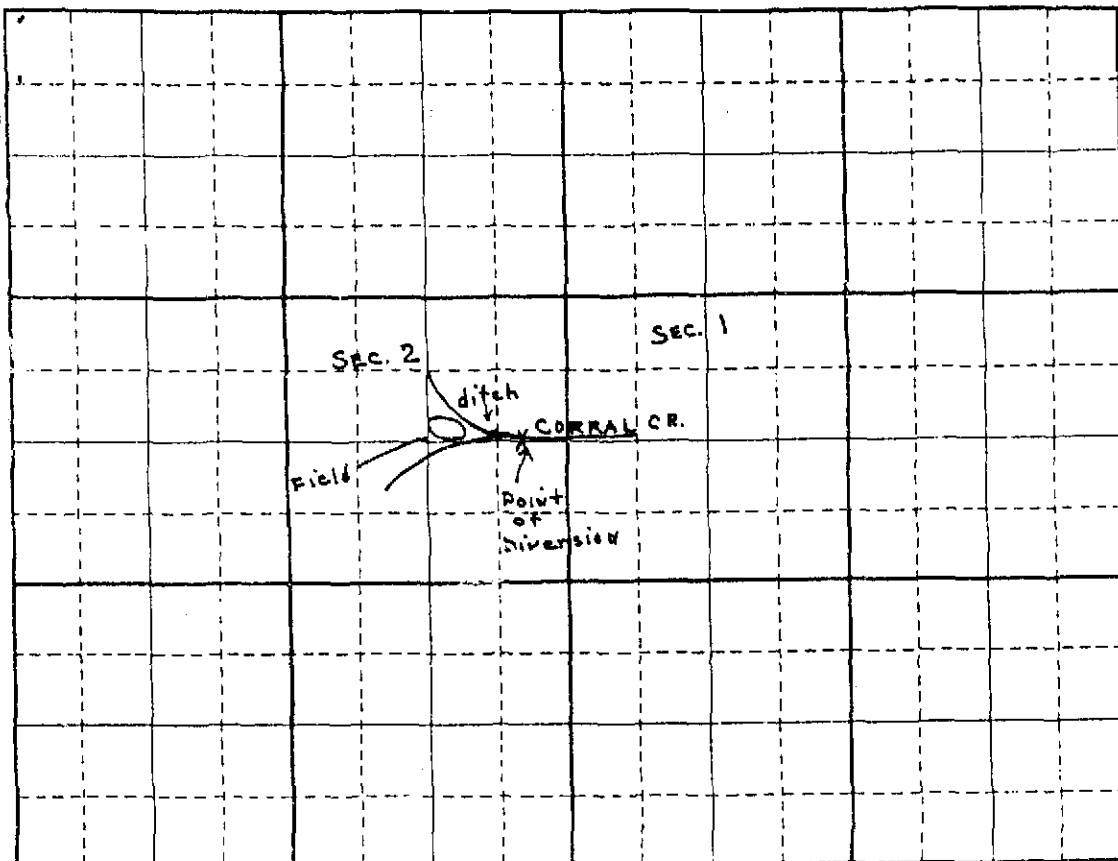
No. of acres 10A.

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

NOTE: include here the type and number of stock watered: 70 head of cattle

- (7) If you are claiming water as a member of an organization, list name of organization:

8) Remarks See certified copy of T. F. High Notice of Water Right and Affidavit of Posting (1900) attached hereto. This water right was commenced pursuant to the Act of February 10, 1881. Corral Cr. dries up during the summer of some years.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.
County of)

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

Sworn to before me this 27th day of May, 1983.

Carl Chapman
Claimant

Alvin L. Hoover
Notary Public for State of Idaho
Residing at Boise, Idaho

My commission expires 10/14/85

FOR DEPARTMENT USE ONLY

Received by <i>[initials]</i>	Date <i>6-7-83</i>	Exception filed by:	Forwarded to	Date
Prelim. check by <i>6/5</i>	Date <i>3/14/84</i>	"	claimant by:	
\$30.00 fee received by <i>SP</i>	Date <i>2-17-83</i>	<i>20/158</i>		
Published in <i>[illegible]</i>				
Dates <i>2-29-83 to 3-1-83</i>				

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW
Claim	63 15677	HORACE CHAPMAN,	SPRING	04N04E2									
Right	63 10457	CUMER L GREEN,	GROUND WATER	04N04E2							17	3	
Claim	63 10457	CUMER L GREEN,	GROUND WATER	04N04E2							17	3	
Rec	63 5332	HORACE CHAPMAN,	CORRAL CREEK	04N04E2			10						
Claim	63 5332	HORACE CHAPMAN,	CORRAL CREEK	04N04E2			10						
Claim	63 31074	BARRY MARCUS,	MORES CREEK	04N04E2									
Right	63 5332	EARL CHAPMAN, HOI	CORRAL CREEK	04N04E2			10						
Rec	63 10457	CUMER L GREEN,	GROUND WATER	04N04E2							17	3	

No overlap

NWSW SWSW SESW NESE NWSE SWSE SESE Total

1.5
20
20
10
10
5
10
20

5