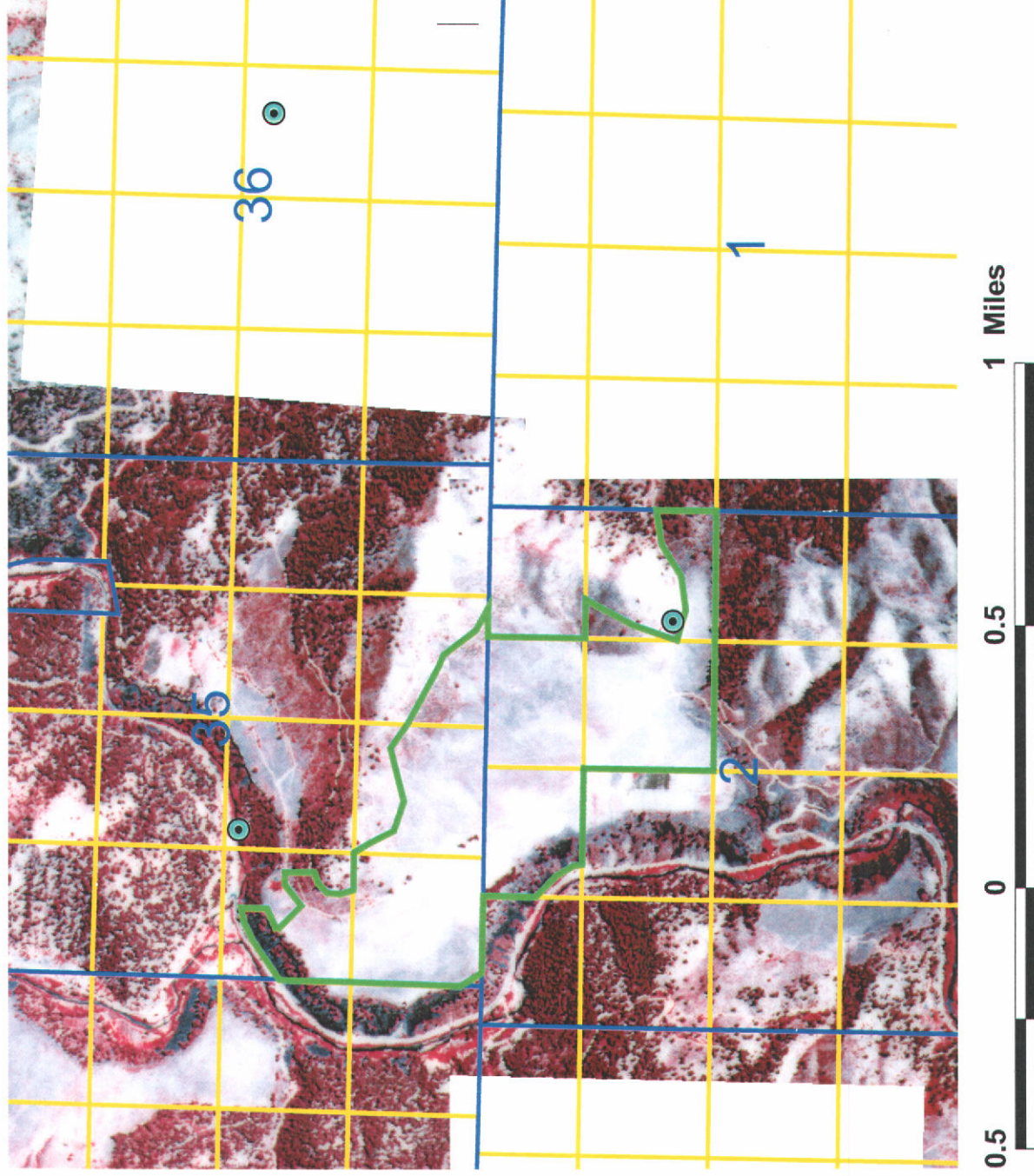
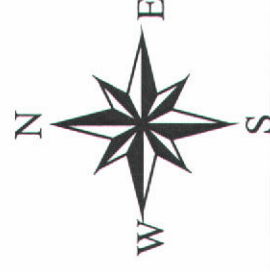


**Water Right No's. 63-5332 & 63-5334
OSPREY LAND COMPANY TRANSFERRED
PLACE OF USE AND POINTS OF DIVERSION**

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

PT OF DIVERSION

PL OF USE



A63-5334

PHOTOS TAKEN 09/07/2001



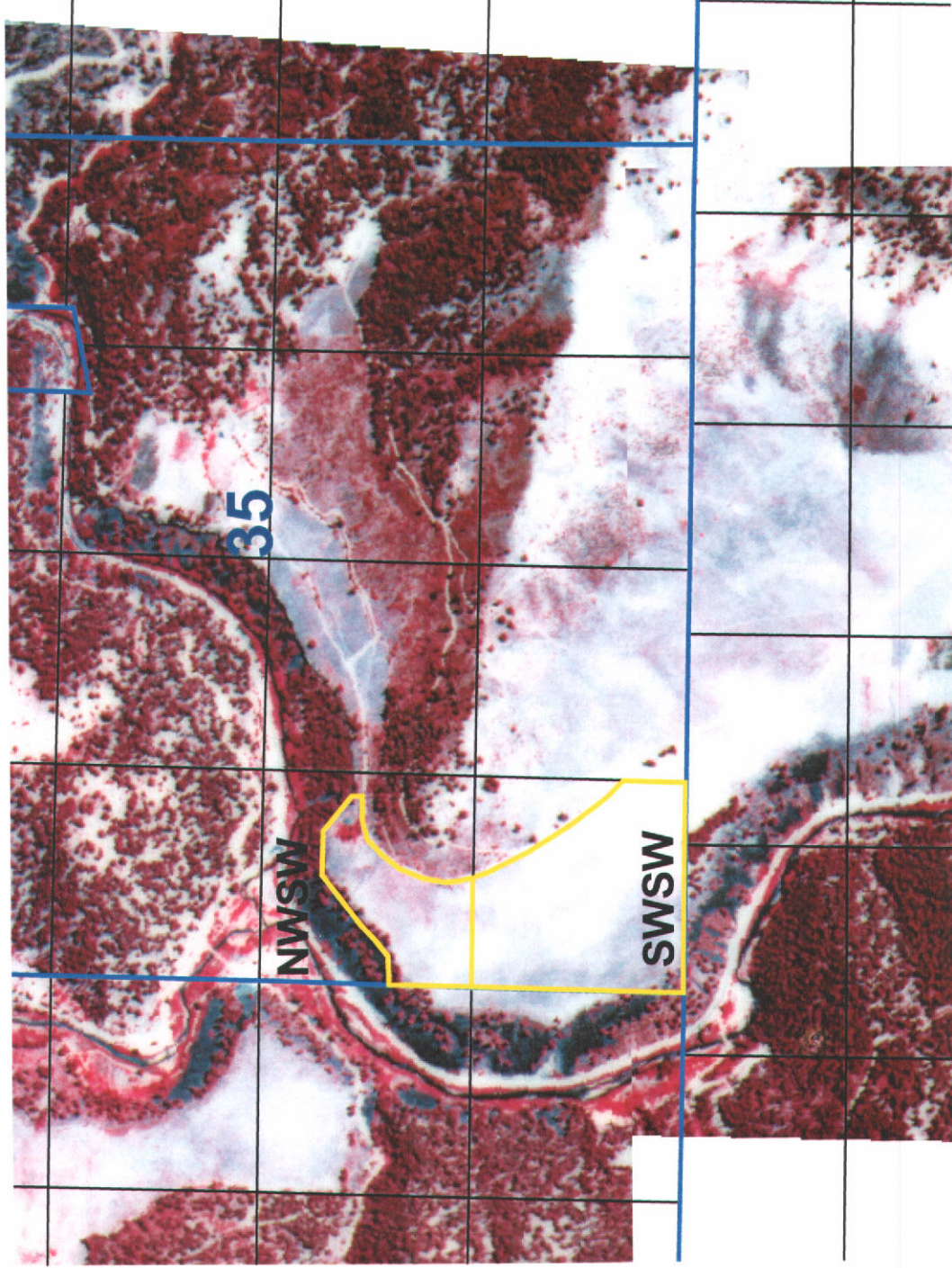
PHOTO #1
UPSTREAM
MANNINGS SITE



PHOTO #2
DOWNSTREAM
MANNINGS SITE

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

by: Mel Schulte

1.25 Miles

1

0.75

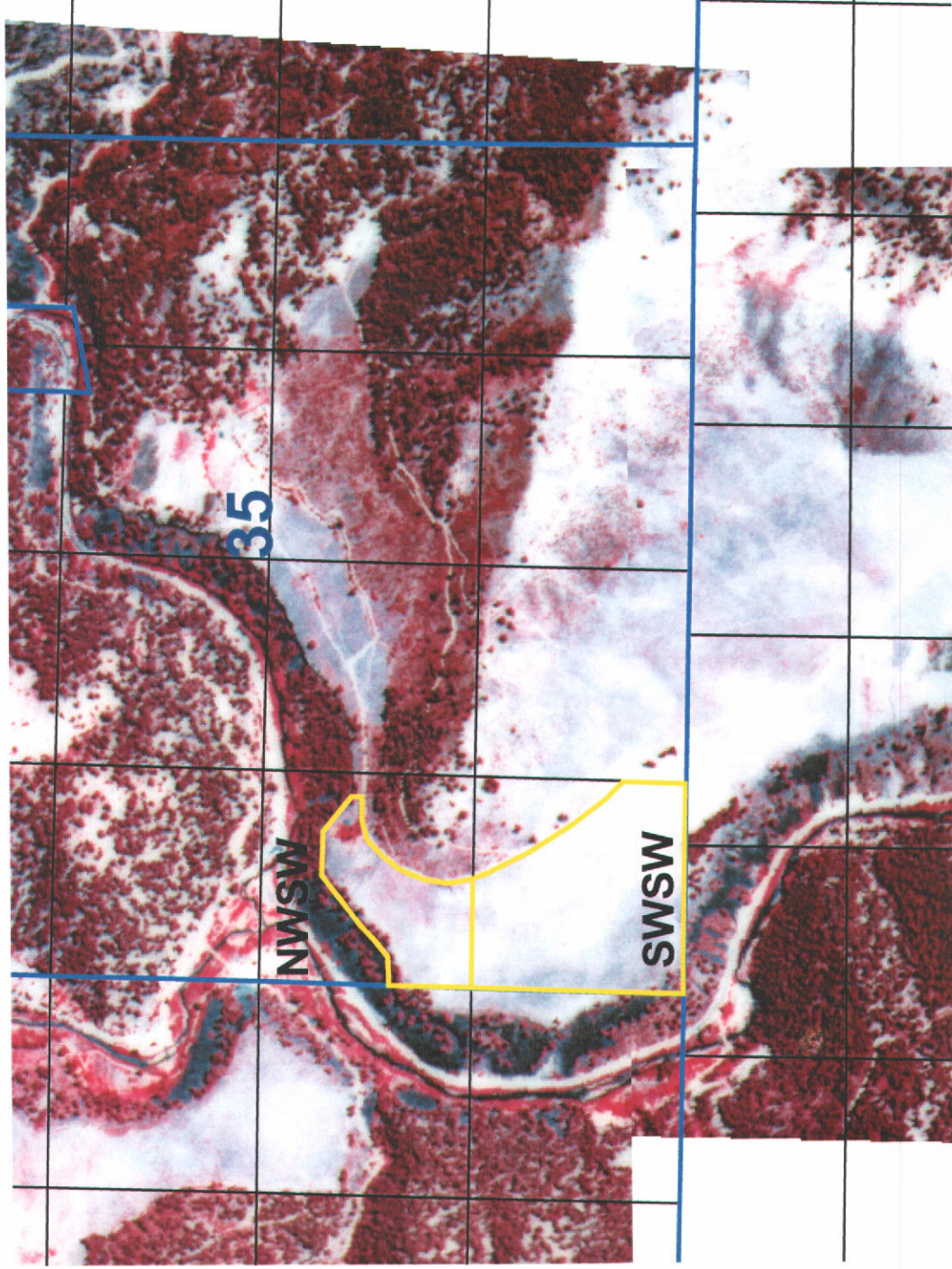
0.5

0.25

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IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

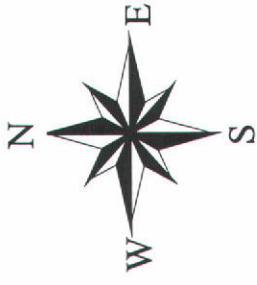
CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

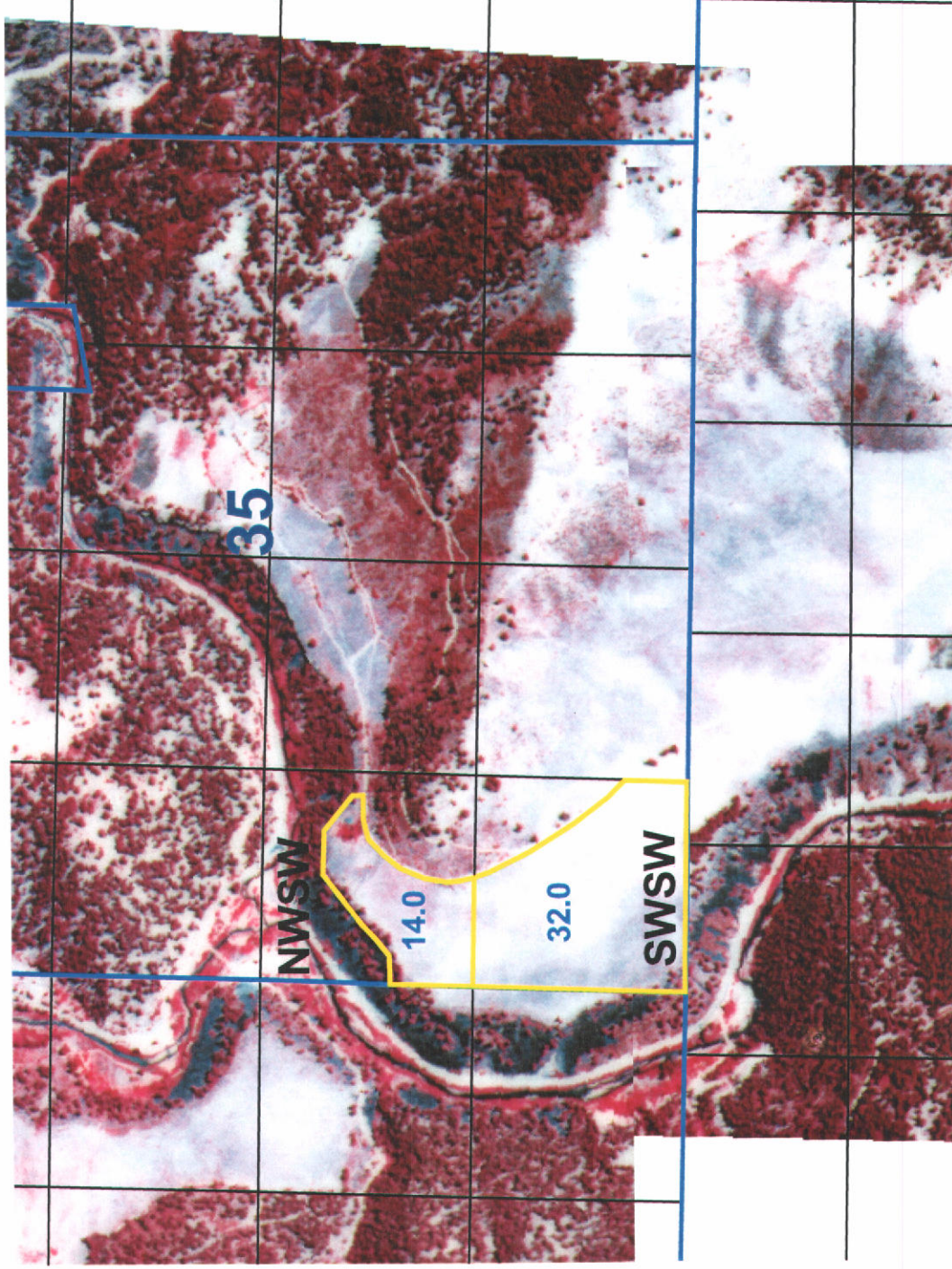
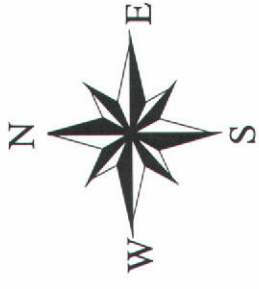
by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

by: Mel Schulte

1.25 Miles

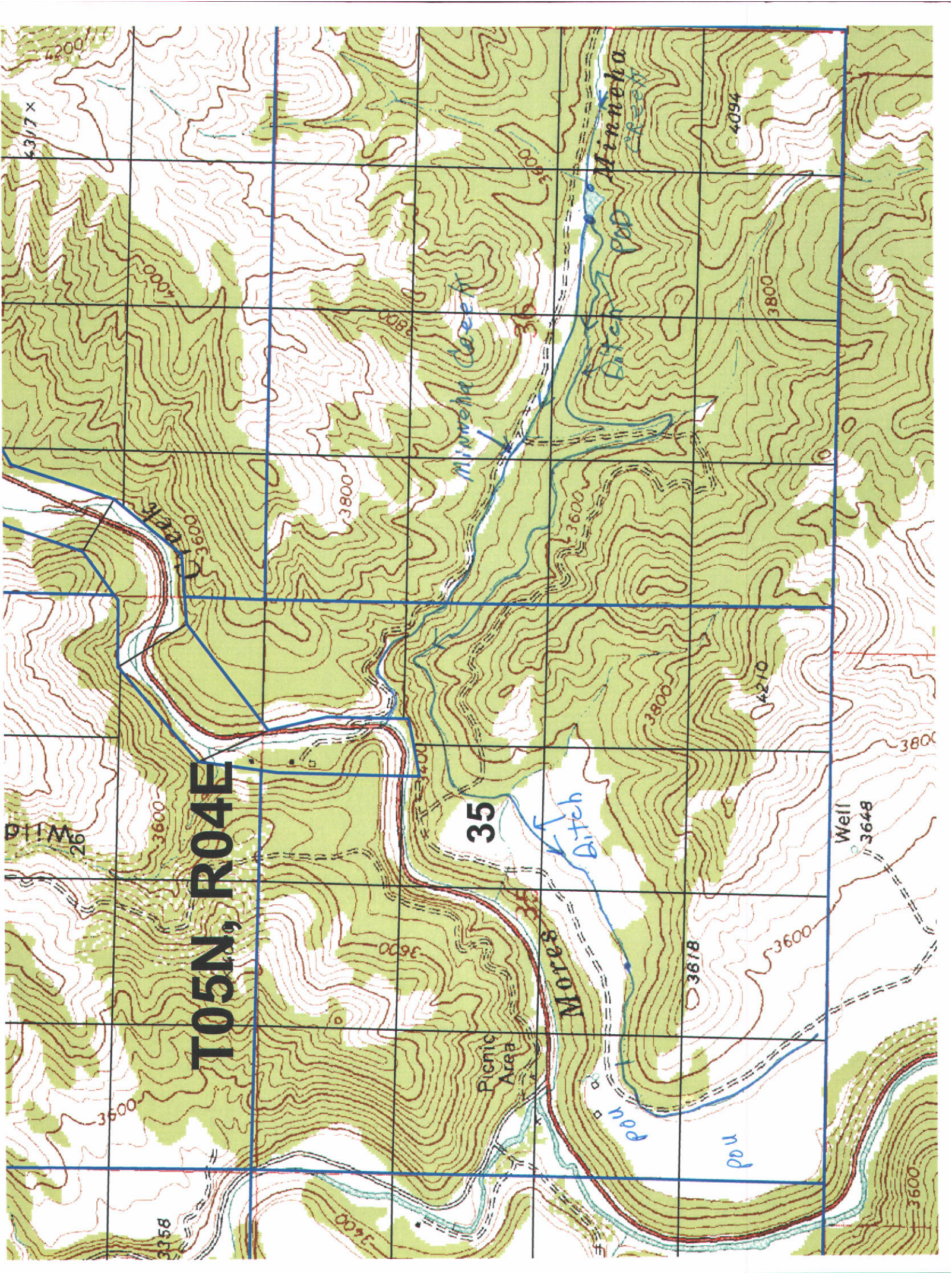
1

0.75

0.5

0.25

0



T05N, R04E

35

Mores Vitch

Picnic Area

Well 3648

3618

po u

po u

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 63-5334
Date Received: 5/22/1989
Receipt No: W002939
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: 08/15/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04E	36	NW SE	BOISE	

5. Description of diverting works:

DIVERSION DAM, RESERVOIR & HEADGATE, APPROX 2 MILES DITCH - 2'x3'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	3.2	
STOCKWATER	5/01	10/01	0.03	

7. Total Quantity Appropriated is:
3.2 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
05N	04E	35	NW SW		IRRIGATION	20
			SW SW		IRRIGATION	30
					Section Acres	50
					Total Acres	50

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 MINNEHAHA CK. THE DEPOSITIONS REFERRED TO ON THE ATTACHED CLAIMS ARE ON FILE IN ADA COUNTY, 4TH DIST. CASE 60122 AND WITH DEPT. OF WATER RESOURCES. SEE ATTACHED CLAIMS, ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

Ownership changed by DB 8/22/2001

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 63-5334
Date Received: 5/22/89
Receipt No: W002939
Received By:

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

1. Name of Claimant(s): EARL CHAPMAN Phone: (208)343-0076
40 ADAMS RD
BOISE ID USA 83716

HORACE CHAPMAN Phone: (208)343-0076
40 ADAMS RD
BOISE ID USA 83716

2. Date of Priority: 08/15/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04E	36	NW SE	BOISE	

5. Description of diverting works:

DIVERSION DAM, RESERVOIR & HEADGATE, APPROX 2 MILES DITCH - 2x3'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	3.2	
STOCKWATER	5/01	10/01	0.03	

7. Total Quantity Appropriated is:
3.2 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
05N	04E	35	NW SW		IRRIGATION	20
			SW SW		IRRIGATION	30
					Section Acres	50
					Total Acres	50

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 MINNEHAHA CK. THE DEPOSITIONS REFERRED TO ON THE ATTACHED CLAIMS ARE ON FILE IN ADA COUNTY, 4TH DIST. CASE 60122 AND WITH DEPT. OF WATER RESOURCES. SEE ATTACHED CLAIMS, ATT ACHED HERETO AND BY REFERENCE MADE A PART HEREOF

15. Basis of Claim: Statutory Claim

Munneka 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> </u>		
<u> A63-5332 </u>			<u> </u>		
<u> </u>			<u> </u>		
<u> </u>			<u> </u>		
<u> </u>			<u> </u>		

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 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 <u>0</u> _____
Received 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: A63-05334
Date Received: 5/19/1989
Receipt No: W002939
Received By: DEMIT

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: AUG 15, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	04E	36	NW	SE			BOISE

5. Description of diverting works:

DIVERSION DAM, RESERVOIR & HEADGATE, APPROX 2 MILES DITCH - 2'x3'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	3.200		
STOCKWATER	05/01	10/01	0.030		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/70 RANGE, STOCKWATER

A63-05334

Page 1

Date: 06/14/89

MICROFILMED

AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04E	35	NW	SW		IRR	20.0
			SW	SW		IRR	30.0
					Section Acres		50.0
					Total Acres		50.0

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 MINNEHAHA CK. THE DEPOSITIONS REFERRED TO ON THE ATTACHED CLAIMS ARE ON FILE IN ADA COUNTY, 4TH DIST. CASE 60122 AND WITH DEPT. OF WATER RESOURCES. SEE ATTACHED CLAIMS, ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

5-19-89-LW

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) 343-0076Mailing Address HC 33, Box 1470, Boise, Idaho Zip 837062. Date of Priority (Only one (1) per claim) August 15, 1889 *3. Source of water supply (a) Minneha Creek
which is tributary to (b) Mores Creek4. a. Location of existing point of diversion is: Township 5N Range 4E Section 36,
1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Boise

Additional points of diversion if any: _____

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. Dam, Res., Headgate & Ditch* See attached claims

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/01 to 10/01 amount 3.200 or _____

For Stockwater purposes from 5/01 to 10/01 amount 3.200 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount 0.03 or _____

7. Total quantity claimed (a) 3.200 (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.) S/70 Range, 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	
5N	4E	35										20							
5N	4E	35											30						

Total number of acres irrigated 50

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 Minnehaha Ck. The depositions referred to on the attached claims are on file in Ada County, 4th Dist. Case 60122 and with Dept. of Water Resources. See attached claims, attached hereto and by reference made a part hereof.

MICROFILMED

AUG 21 1992

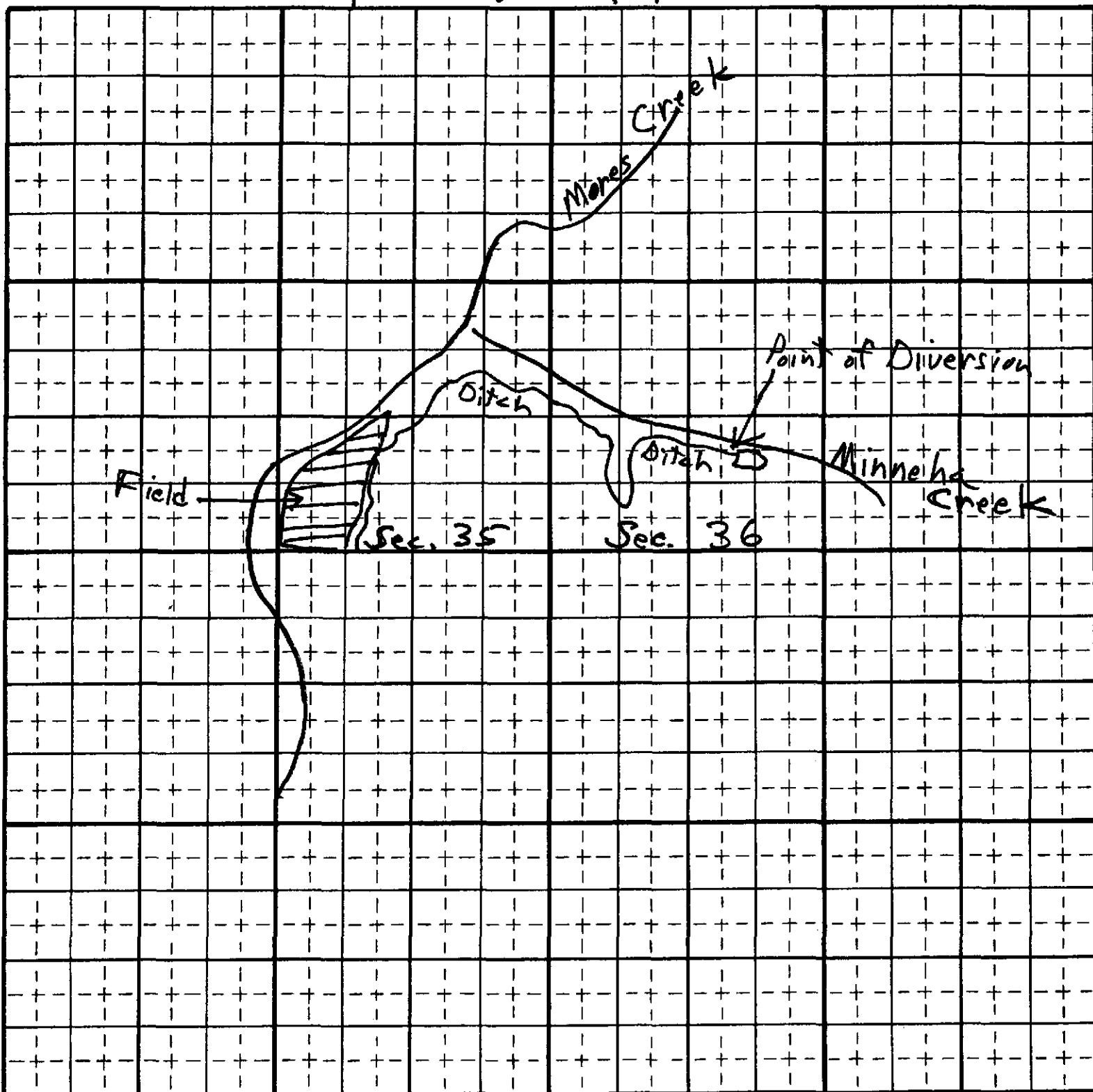
Last Name Chapman Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T 5 N R 4 E Sec. 36



MICROFILMED

AUG 21 1992

Last Name Chapman

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Decree _____ Posted Notice _____ License _____ Permit _____
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 13

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

Thomas 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 St. 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

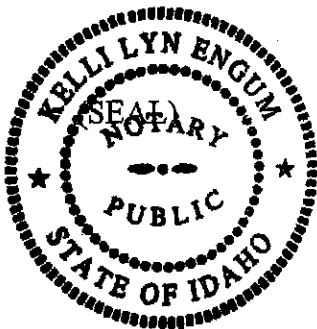
Barry Marcus
Barry Marcus, Managing Member

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 *Shirley George*
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, 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

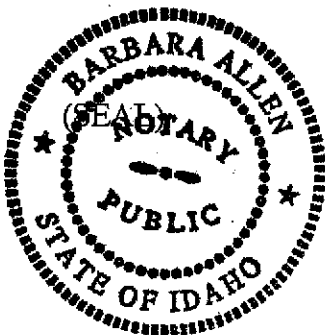
STATE OF IDAHO)

: 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 $0^{\circ}11'58''$ E a distance of 2636.69 feet;

Thence N $0^{\circ}11'58''$ 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 $3^{\circ}52'56''$ and a long chord bearing N $53^{\circ}26'27''$ E a distance of 125.99 feet to a 5/8 inch diameter iron pin;

Thence N $55^{\circ}22'55''$ 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 $7^{\circ}00'00''$ and long chord bearing N $57^{\circ}39'42''$ 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 $18^{\circ}16'00''$ and a long chord bearing N $71^{\circ}30'55''$ 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 $7^{\circ}00'00''$ and a long chord bearing N $85^{\circ}22'08''$ E a distance of 133.80 feet to a 5/8 inch diameter iron pin;

Thence leaving said southerly right-of-way S $3^{\circ}53'49''$ W a distance of 205.73 feet to a 5/8 inch diameter iron pin;

Thence S $82^{\circ}57'58''$ W a distance of 94.33 feet to a 5/8 inch diameter iron pin;

Thence S $51^{\circ}23'43''$ 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

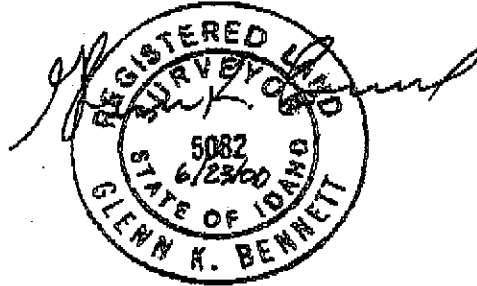


EXHIBIT A-2

**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;

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;

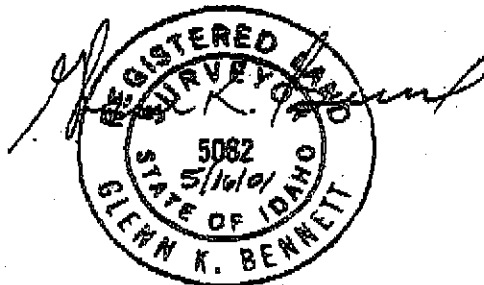
Thence leaving said *HIGH CORRAL SUBDIVISION* boundary $S\ 4^{\circ}00'00''\ E$ a distance of 312.20 feet to a 5/8 inch diameter iron pin;

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
87706

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

Telephone Number: (208) 343 0076

Signature of Claimant(s): Horace Chapman

Please return this completed form to:

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

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2001

HORACE CHAPMAN
EARL CHAPMAN
40 ADAMS RD
BOISE ID 83716

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

Dear Claimant(s):

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

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

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

Sincerely,

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

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

CONVERSATION MEMORANDUM

DATE 6-6-89FILE 63-5334

NAME OF PARTY

Chapman, Horace

EMPLOYEE

Linda Warner

RE:

Excessive fees due to the claiming
of 3.2 cfs for 70 hd stock. They
submitted \$100.00; would need \$420.00.
Do they want to drop cfs to .03
which is what 70 hd require?

Mo w/.03 cfs

Pur telephone conversation w/ Barry Marcus -
attorney in fact, on 6-7-89 @ 10:00 a

MICROFILMED

AUG 21 1992

APPROVAL OF STATE ENGINEER

The number of this permit is 5569

Date of first receipt of application: 4.00 P.M. December 15, 1909

Recorded in Book 16, page 5569, Approved December 15, 1909

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

Work to begin on or before February 13, 1910 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 15, 1911.

The whole of said work to be completed on or before December 15, 1912.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to December 15, 1914.

Witness my hand this 15th day of December, 1909.

Jas Stephenson, Jr
State Engineer.

Proof of completion of works received December 17, 1912

Fee Received May 1, 1913

Certificate of completion of works issued May 10, 1913.

PERMIT NO. 5569

CERTIFICATE OF COMPLETION OF WORKS.

To all Whom It May Concern:

This is to certify that Robert D. Swan of Idaho City, County of Boise, and State of Idaho, the holder of Permit No. 5569, issued upon Application No. 8069, bearing date of priority of December 15, 1909, authorizing the diversion of 3.2 second feet of the waters of Minneha Creek, County of Boise, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit: That said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the water Minneha Creek, that the point of diversion of said waters is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 6 N.R. 4 E.B.M., and that the lands to be irrigated by the use of said water are described as follows, to-wit: Sec. 35, T. 5 N. R. 4 E.B.M containing 160 acres.

MICROFILMED

AUG 21 1992

18

State of Idaho

-to-

Robert D. Swan

APPLICATION FOR PERMIT TO APPROPRIATE
THE WATERS OF THE STATE OF IDAHO
Filed April 9th, 1935
Book 9 Miscellaneous page 308

1. Name of applicant: Robert D. Swan, Postoffice Address:
Swan's Ranch, Idaho City Road,
County: Boise State: Idaho
2. The quantity of water claimed is 3.2 cubic feet per second
3. Source of water supply: Minneha Creek, tributary to Mores
Creek, County of Boise.
4. Location of point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 5 N. R. 4
E.B.M.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: 160 acres.
 - (b) In the following legal subdivisions: SW $\frac{1}{4}$ Sec. 36,
T. 5 N. R. 4 E.B.M.
6. Estimated cost of works: \$500.00
7. Description of works for diversion:
 - I. Kind of works: Ditch
 - II. Dimensions of works:
 - (c) Size of headgate: Width 2 feet, height 2 feet.
 - (d) Conduit ditch, width at bottom 2 feet, width at
water line 2.5 feet, depth of water 1 foot. Average
grade per mile is 7 feet. Length of conduit is 2
miles, and it crosses the following quarter sections:
NW $\frac{1}{4}$, Sec. 36, NE $\frac{1}{4}$ Sec. 35, NW $\frac{1}{4}$, Sec. 35, and the
SW $\frac{1}{4}$ Sec. 35, in T. 5 N. R. 4 E.B.M to land des-
cribed in 5 l (b) above which is the point of
intended use.
8. The time required for the completion of the construction of
such work is 3 years.
9. Time required for the complete application of the water to the
proposed use is 2 additional years.

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

Robert D. Swan
Applicant

MICROFILMED

AUG 21 1992



Witness my hand this 10th day of May, A.D. 1913.

F. P. King
State Engineer of the
State of Idaho.

On proper request of the holder of the above numbered permit I have this 16th day of October 1914, extended the time for Beneficial Use of water thereunder to the 15th day of December, 1918.

Herbert Wing
Acting State Engineer.

Acknowledged on the 17th day of October 1934, by Paul L. Henry, Custodian of Records of the Department of Reclamation of the State of Idaho, to be a true and correct copy of the Permit to appropriate the Public Waters of the State of Idaho No. 5569, as appears of record in the Department of Reclamation. (STATE SEAL).

MICROFILMED
AUG 21 1992

19

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

In the Matter of the Petition) Case No. 60122
of BILL ADAMS, HORACE CHAPMAN)
and EARL CHAPMAN to perpetuate)
the testimony of MINNIE SWAN,)
BILL ADAMS and GEORGE EMERSON.)

DEPOSITION OF MINNIE ANN LAFLIN, taken at
the instance of Bill Adams, Horace Chapman and
Earl Chapman at 1111 Leadville Street, in the City of
Boise, State of Idaho, commencing at 10:00 a.m., on
Wednesday, February 16, 1977, before
CATHERINE A. TERRY, CSR, a Notary Public in and for the
State of Idaho, pursuant to stipulation by and between
counsel, and in accordance with the Idaho Rules of
Civil Procedure.

APPEARANCES:

For Bill Adams, Horace and
Earl Chapman

MARCUS & MARCUS
by BARRY L. MARCUS, Esq.
737 North 7th Street
Boise, Idaho 83702

For Department of Water
Resources

JOSEPHINE P. BEEMAN
Assistant Attorney General
373 West Franklin
Boise, Idaho 83702

-and-

GLEN SAXTON
Western Regional Supervisor
29 South Cole Road
Boise, Idaho

MICROFILMED
AUG 21 1992

ORIGINAL

TUCKER & ASSOCIATES
COURT AND DEPOSITION REPORTERS
POST OFFICE BOX 1625 BOISE, IDAHO 83701
TELEPHONE 345-3704

1
2
3 VERIFICATION

4 STATE OF IDAHO)
5) ss.
6 County of ADA)

7 I, MINNIE A. LAFLIN, being first
8 duly sworn on my oath, depose and say:

9 That I am the witness named in the foregoing
10 deposition, consisting of pages numbered 1 to 25,
11 inclusive;

12 That I have read the said deposition and know
13 the contents thereof; that the questions contained
14 therein were propounded to me; that the answers to
15 said questions were given by me, and that the
16 answers as contained therein (or as corrected by me
17 therein) are true and correct.

18 *Minnie A. Laflin*

19 W I T N E S S

20 Subscribed and sworn to before me this 9th day
21 of March, 19 77.

22 *John Borow*
23 NOTARY PUBLIC, residing

24 at 4105 Stratford Dr

25 My commission expires 8-20-78

MICROFILMED

AUG 21 1976

REPORTER'S CERTIFICATE

STATE OF IDAHO)
County of Ada) ss.

I, Caroline A. Terry, a Notary Public
in and for the State of Idaho, do hereby certify:

That prior to being examined, the witness
named in the foregoing deposition was by me duly
sworn to testify the truth, the whole truth, and
nothing but the truth;

That said deposition was taken down by me in
shorthand at the time and place therein named and
thereafter reduced to typewriting under my direction,
and that the foregoing transcript contains a full,
true, and verbatim record of the said deposition.

I further certify that I have no interest in
the event of the action.

WITNESS my hand and seal this 17th day
of February, 19 77.

Caroline A. Terry
NOTARY PUBLIC in and for the
State of Idaho; residing at
Boise, Idaho.

My commission expires 5/31/78

STATE OF IDAHO
COUNTY OF ADA
SS.

I, JOHN BASTIDA, CLERK OF THE DISTRICT COURT OF THE FOURTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF ADA, DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AF-

FIXED MY OFFICIAL SEAL THIS 24 DAY OF May, 1983.

JOHN BASTIDA, CLERK

BY Farrell A. Simon DEPUTY

MICROFILMED

AUG 21 1992

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

In the Matter of the Petition)
of BILL ADAMS, HORACE CHAPMAN)
and EARL CHAPMAN to perpetuate)
the testimony of Minnie Swan,)
Bill Adams and George Emerson.)

Case 80-60122

NO. FILED

AM P.M.

JUN - 1 1983

JOHN BASTIDA, Clerk
By MARY A. LINDE

DEPOSITION OF GEORGE HAROLD EMERSON, taken

at the instance of Bill Adams, Horace Chapman and
Earl Chapman, at the Law Offices of Marcus & Marcus,
737 North Seventh Street, in the City of Boise, State
of Idaho, commencing at 2:00 p.m. on Wednesday,
September 21, 1977, before JOHN C. TUCKER, CSR, a
Notary Public in and for the State of Idaho, pursuant
to stipulation by and between counsel, and in
accordance with the Idaho Rules of Civil Procedure.

APPEARANCES:

For Petitioners

MARCUS & MARCUS
by BARRY MARCUS, Esq.
737 North Seventh Street
Boise, Idaho 83702

For Idaho
Department of
Water Resources

JOSEPHINE P. BEEMAN
Assistant Attorney General
Department of Water Resources
Statehouse
Boise, Idaho
(Not present)

COPY

VOLUME I

Page 1 to 13

MICROFILMED

AUG 21 1992

TUCKER & ASSOCIATES
COURT AND DEPOSITION REPORTERS

POST OFFICE BOX 1625

BOISE, IDAHO 83701

TELEPHONE 345-3704

VERIFICATION

STATE OF IDAHO)
) ss
County of Ada)

I, GEORGE HAROLD EMERSON, being first duly sworn
on my oath, depose and say:

That I am the witness named in the foregoing deposition,
consisting of pages numbered 1 to 13, inclusive;

That I have read the said deposition and know the contents thereof; that the questions contained therein were propounded to me; that the answers to said questions were given by me, and that the answers as contained therein (or as corrected by me therein) are true and correct.

George H. Emerson
Witness

Subscribed and sworn to before me this 1st day of

June 1983
1977.

Alice L. Hoover
Notary Public for Idaho
Residing at Boise, Idaho

MICROFILMED
AUG 21 1992

7-11-77
10/28/77

1 WAYNE L. KIDWELL
2 Attorney General
3 State of Idaho
4 Statehouse Room 210
5 Boise, Idaho 83720
6 Telephone (208) 384-2400

7 JOSEPHINE P. BEEMAN
8 Assistant Attorney General
9 Legal Counsel, Idaho Department
10 of Water Resources
11 Statehouse
12 Boise, Idaho 83720
13 TELEPHONE: (208) 384-2215

14
15 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
16 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

17 In the Matter of the Petition	)	Case No. 60122
18 of BILL ADAMS, HORACE CHAPMAN	)	
19 and EARL CHAPMAN to perpetuate	)	RESPONSE OF DEPARTMENT OF
20 the testimony of Minnie Swan,	)	WATER RESOURCES TO
21 Bill Adams and George Emerson.	)	DEPOSITION OF GEORGE
	)	HAROLD EMERSON

22 COMES NOW the Idaho Department of Water Resources,
23 by and through its undersigned Counsel, and states for the
24 record that after a review of the court reporter's transcription
of the deposition of George Harold Emerson, the Department of Water
Resources has no further questions which it would like to ask the
deponent beyond what is present in the deposition already on file.

DATED this 18th day of October, 1977.

Josephine P. Beeman

MICROFILMED

AUG 21 1992

Mimihaha

Notice of Water Right

Paville County D. S. Aug 15th 1889

Notice is hereby given that the undersigned the location and claims 500 inches of water, to be taken from this gulch for mining purposes. Said right is situated in Mimihaha Gulch and commencing at or near the old station or crossing of said Mimihaha Gulch creek and conveying water on to the flat of what is known as the logging camp.

W. J. Elliott
 W. J. Elliott Aug 15th 1889
 W. J. Elliott
 W. J. Elliott

MICROFILMED

AUG 21 1992

State of Idaho

SS.

County of Boise

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

Dated July 22 1895
ARLENE C. KOLAR, Auditor and Recorder

By [Signature]
Deputy

Notice of Water Right.

State of Idaho } ss.
County of Boise }

To all Concerned:

Notice is hereby given:

- 1st That J. F. Hesk of Thomas Creek District of Moore's Creek, Boise Co., Idaho hereby claims the use of the waters of Minnehaha Gulch to the extent of 2 cubic feet per second.
 - 2^d It is intended to divert said waters by changing the point of diversion of Minnehaha from ditch $\frac{1}{2}$ mi below on said stream, at or near the point where a copy of this notice is posted and more definitely described as follows: at the forks of the north and south Minnehaha Gulches, being about $\frac{1}{2}$ mile from the mouth of said Minnehaha Gulch.
 - 3^d The purpose for which said water is intended to be used is mining irrigating and domestic purposes. The place of intended use is on bench ground south side of Moore's Creek near what is known as the old "Elliott Ranch."
 - 4th It is intended to divert said water by means of a ditch. The general course of the proposed canal is West. The length of the proposed canal is Four miles. It is intended to use said water for irrigating the following described lands: That certain bench ground on south side Moore's Creek being 80 acres more or less, said parcel of ground being situated just below Log Camp Flat.
 - 5th It is intended to have the works for diversion and use of said water as aforesaid completed within five years.
- Witness my hand at Moore's Creek Boise County Idaho this 22 day of July 1895.

J. F. Hesk Claimant

State of Idaho }
County of Boise }

J. F. High being first duly sworn, deposes and says that he is of lawful age and is claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in the said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 22 day of July, 1895 at 10 o'clock AM.

J. F. High

Subscribed and sworn to before me this 1 day of August 1895
(Seal) W. F. Connaughton

State of Idaho }
County of Boise }

I hereby certify that this instrument was filed for record at request of J. F. High at 25 minutes past 7 o'clock P.M. this 1 day of August AD 1895.

W. F. Connaughton

Ex officio Recorder

State of Idaho }
County of Boise }

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

Dated August 1, 1895
ARLENE C. KOLAR, Auditor and Recorder

By [Signature]
Deputy

Notice of Water Right

State of Idaho }
County of Boise }

To all Concerned:

Notice is hereby given:

- 1st That we the undersigned citizens of the United States hereby claim the use of the waters of West Fork of Charlotte Gulch to the extent of 3 cubic feet per second.
- 2nd It is intended to divert said waters at or near the point where a copy of this notice is posted and more definitely

J. F. High Claimant

TITLE IX. WATER RIGHTS AND IRRIGATION.

CHAPTER I.

WATER RIGHTS.

SECTION	SECTION
3155. Rights to water may be acquired by appropriation.	3161. Diligence in appropriation.
3156. Appropriation must be for a useful purpose.	3162. Completion defined.
3157. Point of diversion may be changed.	3163. Doctrine of relation applied.
3158. Water may be turned into natural channels.	3164. Forfeiture.
3159. First in time, best in right.	3165. Ditches, etc., heretofore made.
3160. Notice of appropriation.	3166. Rights of present claimant.
	3167. Recorder to keep book in which to record notices.

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

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

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

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

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

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

1. That he claims the water there flowing to the extent of (giving the number) inches, measured under a four inch pressure, and accurately describing the point of diversion;

2. The purpose for which he claims it, and the place of intended use;

3. The means by which he intends to divert it, and the size of the flume, ditch, pipe or aqueduct in which he intends to divert it; a copy of the notice must, within ten days after it is posted, be recorded in the office of the Recorder of the county in which it is posted.

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

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

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

§3155
Right to water, how acquired.
Act Feb. 10, 1881.
Chap. I Amend.
Laws '80, pgs.
174, 181, 215.

Appropriation to be for useful purposes.

Point of diversion may be changed.

Water may be turned into natural channels.

First in time, best in right.

Notice of appropriation.

§3159
2 Idaho,
pg. 10-7

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

Completion defined.

Doctrine of relation applied.

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Forfeiture.

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

§3165.
2 Idaho,
pg. 99.

Ditches, etc.,
heretofore
made.
11 sec., 268-9.

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

Rights of
present claim-
ant.

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

Recorder to
keep book.

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

CHAPTER II.

RIGHT OF WAY FOR DITCHES.

SECTION

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

SECTION

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

§3180

Chap. II. Amend
Laws '93, pgs.
174, 183, 215.

Right of land
owners.
11 sec., 269.

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

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

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

To keep
conduit in
good repair.

Damages.

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

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

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AUG 21 1992

that t
true
records

LAR.

Deputy

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Chapman, Norace & Earl

CLAIM IDENT. NO.

63
65-5334

DATE RECEIVED

5-19-89

CK #

5483

AMOUNT \$

100

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

YES

NO

Requi
Inf *

2. Is a priority date entered?

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

3. (a) Is a source entered?

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

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

5. Is there a description of the diverting works?

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

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

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

N/A

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

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

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

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

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

N/A

15. Is the basis of the claim indicated?

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

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

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

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

20. Is the fee enclosed correct? Exempt

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

N/A

22. Should this claim be receipted and data entered?

Claim checked by:

LW

Date:

6-6-89

6-1-89

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

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

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments:

MICROFILMED

AUG 21 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

[Name of Claimant]

Telephone No. 343-0076

Transition Address)

(Zip Code)

and nature of said claim is as

- 889

l or on a surface water
nily domestic use from

- Minneh

- you have used the right

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

1 To October 1

To

To

To

- (cfs. aff)

- NW SE ¼, Sec. 36 Twp. 5N Rge. 4E B.M., County of Boise

Additional points of diversion: See attached map

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam, reservoir and headgate, approximately 2 miles of ditch
approximately 2' x 3' in dimension.

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

[illegible]

No. of acres 50 A.

If it 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:

RECORDED
JUN 20 1963

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

[illegible]

See map attached.

County of Ada

Home Check
Carl Chapman
(Claimant)

Sworn to before me this 2nd day of June, 1983.

My commission expires

6-7-83 FOR DEPARTMENT USE ONLY

Received by <u>SRC</u>	Date <u>6/6/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LLS</u>	Date <u>3/14/84</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>6/7/83</u>	<u>28955</u>		
Published in <u>the Omaha World</u>				
Dates <u>3/29 & 4/4/84</u>				

RECEIVED
JUN 7 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 7 1983

Department of Water Resources
Western Regional Office

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 22, 1895

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

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

Minneha 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2 cfs</u>		Use <u>Irrigation and</u>		Period of Use From <u>May 1</u>	To <u>Oct. 1</u>
Quantity _____		Use <u>stock water</u>		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 2 cfs TOTAL QUANTITY USED.
(cfs, af)

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

N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36 Twp. 5N. Rge. 4E. B.M., County of Boise

Additional points of diversion: see attached map.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dam, Reservoir and Headgate, approximately 2 miles of ditch (2' x 3' in dimension).

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N.	4E.	35									W $\frac{1}{2}$	and	S $\frac{1}{2}$						50

No. of acres 50

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: _____

~~See T.F. High Notice of Water Right, depositions of Minnie Laflin and George Emerson and Application and Permit 5569 attached.~~

[illegible]

Scale: 2 inches equal 1 mile. See attached map.

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 Boise) ss.

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

Earl Chapman
(Claimant)

Sworn to before me this 2nd day of June, 1983

Barry Marcus
Notary Public
Residing at Boise, Ida

commission expires

TE OF IDAHO
of Water Resources

7-8 FOR DEPARTMENT USE ONLY
1103 Exception filed by:

Exception filed by:

Forwarded to
claimant by:

Date _____

No 28954

Adams Ranch tract
of Boise Acct

RECEIVED
JUN 7 1983

Claim No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 8 1983

Department of Water Resources
Western Regional Office

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
(Mailing Address)

Telephone No. 343-0076
(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) December 14, 1912

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

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

Minneha Creek tributary to Mores Creek

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

(cfs; af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>3.2 cfs</u>	Use <u>Irrigation and</u>	Period of Use From <u>May 1</u>	To <u>Oct. 1</u>
Quantity _____	Use <u>stock water</u>	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 3.2 cfs TOTAL QUANTITY USED.
(cfs; af)

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

N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36 Twp. 5N. Rge. 4E B.M., County of Boise

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dam, Reservoir, Headgate and 2'x3' ditch (2 miles)

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N.	4E.	35									W $\frac{1}{2}$ and S $\frac{1}{2}$								
											50								50

No. of acres 50

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: _____

George Emerson, London.

[illegible]

Map attached.

County of Boise) ss.
)

Harold Cropper

Carl Chapman
(Claimant)

Sworn to before me this 2nd day of June, 1983

Notary Public Barry Marcus
Residing at Boise

My commission expires 6/30

6-7-83 FOR DEPARTMENT USE ONLY

Received by SRA Date 6/6/83 Exception filed by: _____

Prelim. check by _____ Date _____

\$30.00 fee received by JP Date 6-7-83 28955

Published in The Idaho Statesman _____

Dates _____

Forwarded to _____ Date _____
claimant by: _____

42-243

Claim No.

RECEIVED

JUN 6 1983

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

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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) June 10, 1909

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

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>3.2 cfs</u>		Use <u>Irrigation and</u>		Period of Use From <u>May 1</u>	To <u>Oct. 1</u>
Quantity		Use <u>stock water</u>		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 3.2 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 36 Twp. 5N. Rge. 4E. B.M., County of Boise

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dam, Reservoir, Headgate and 2' x 3' ditch (2 miles)

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4E	35									W $\frac{1}{2}$ and S $\frac{1}{2}$								50

No. of acres 50

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:

See depositions of Minnie Laflin and George Emerson and Permit 5569 attached.

The image shows a full page of graph paper. It features a grid of squares defined by solid black lines. Within each square, there are horizontal and vertical dashed lines that divide the square into four smaller quadrants. This creates a pattern of larger squares, each containing four smaller squares separated by dashed lines. The entire page is covered by this grid pattern, with no margins or other markings.

Scale: 2 inches equal 1 mile. Map attached.

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 Boise) ss.

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

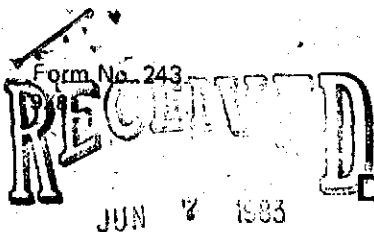
 Carl Chapman
 (Claimant)

Sworn to before me this 2nd day of June, 1983.

Notary Public Barry Marcus
Residing at Boise Ida.

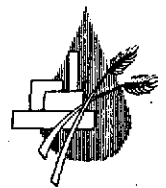
My commission expires Life

Received by SEC Date 6/6/83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by _____ Date _____ claimant by: _____
 \$30.00 fee received by SP Date 6/27/83 28955
 Published in The Idaho Star _____
 Dates _____



Claim No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Western Regional Office

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, ID 83706
(Mailing Address) (Zip Code) Telephone No. 343-0076

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) August 15, 1889

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

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

Minneha Cr. (aka Minnehaha Cr.) tributary to Mores Creek

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

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>3.2 cfs</u>	Use <u>Irrigation & stock</u>	Period of Use From <u>May 1</u>	To <u>October 1</u>
Quantity		Use <u>water</u>	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 3.2 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36 Twp. 5N Rge. 4E B.M., County of Boise
Additional points of diversion: See attached map

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam, reservoir and headgate, approximately 2 miles of ditch approximately 2' x 3' in dimension.

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

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4E	35									W $\frac{1}{2}$ & S $\frac{1}{2}$								50 A

No. of acres 50 A

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:

attached hereto.

See attached Map

State of Idaho)
) ss.
County of Ada)

matters and facts therein are true
Carl Chapman
 (Claimant)

Sworn to before me this 2nd day of June, 1983.

Barry Marcus
Notary Public for State of Idaho
Residing at Boise

My commission expires 11/1/82

6-7-93 FOR DEPARTMENT USE ONLY

Received by SEC Date 6/6/83 Exception filed by: _____

Prelim. check by _____ Date _____

\$30.00 fee received by JP Date 6/7/83 28955

Published in The Idaho World

Dates _____

A63-5334 (Minneka Creek)

1. Ownership? to Osprey Land Co.
2. GPS POD
3. Which posted notice?
4. Measurement - ditch loss - yes.
5. POU

✓ with Lori G for pending trans of
POD for A63-5334.

Coral Cr. & Minneka Cr. are part of
Osprey Sub. system.

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

RIGHT NUMBER: 63-5334

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

SOURCE: MINNEHA CREEK
MORES CRBEK

TRIBUTARY: MORES CREEK
TRIBUTARY: BOISE RIVER

QUANTITY: 1.940 CFS
221.60 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 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.

The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

PRIORITY DATE: 08/15/1889

POINT OF
DIVERSION: T05N R04E S35 NWNESW Within BOISE County
T05N R04E S36 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	1.940 CFS 207.00 AFY
STOCKWATER	01/01 12/31	0.030 CFS 14.60 AFY

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 Arrowrock Reservoir, 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 5/1 and after 10/1 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. 63-5332 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 46 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.

STOCKWATER, 70 RANGER CATTLE

SOURCE IS ALSO KNOWN AS MINNEHAHA 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.

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: 63-5334

NAME AND ADDRESS:

OSPREY LAND CO
737 N 7TH ST
BOISE ID 83702

SOURCE: MINNEHA CREEK Tributary: MORES CREEK
MORES CREEK BOISE RIVER

QUANTITY: 1.940 CFS 221.600 AFY

Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 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.

The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

~~THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE. 1.02 CFS OF THE DIVERSION RATE IS FOR CONVEYANCE LOSS.~~

PRIORITY DATE: 08/15/1889

POINT OF DIVERSION:

T05N R04E S35 NWNE SW
Within BOISE County

T05N R04E S36 NWSE
Within BOISE County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/15 11/15	1.940 CFS 207.00 AFY
	STOCKWATER	01/01 12/31	0.030 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 NWSW 14.0~~

T05N R04E S35 SWSW 15.0

~~T05N R04E S35 SWSW 32.0~~

T05N R04E S35 SESW 5.0

T05N R04E S35 SWSE 1.0

STOCKWATER Same As IRRIGATION

60 ACRES TOTAL

~~46 ACRES TOTAL~~

Use of this right with right no. 63-5332 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 46 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.

Stockwater, 70 range cattle

Source is also known as Minnehaha 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.

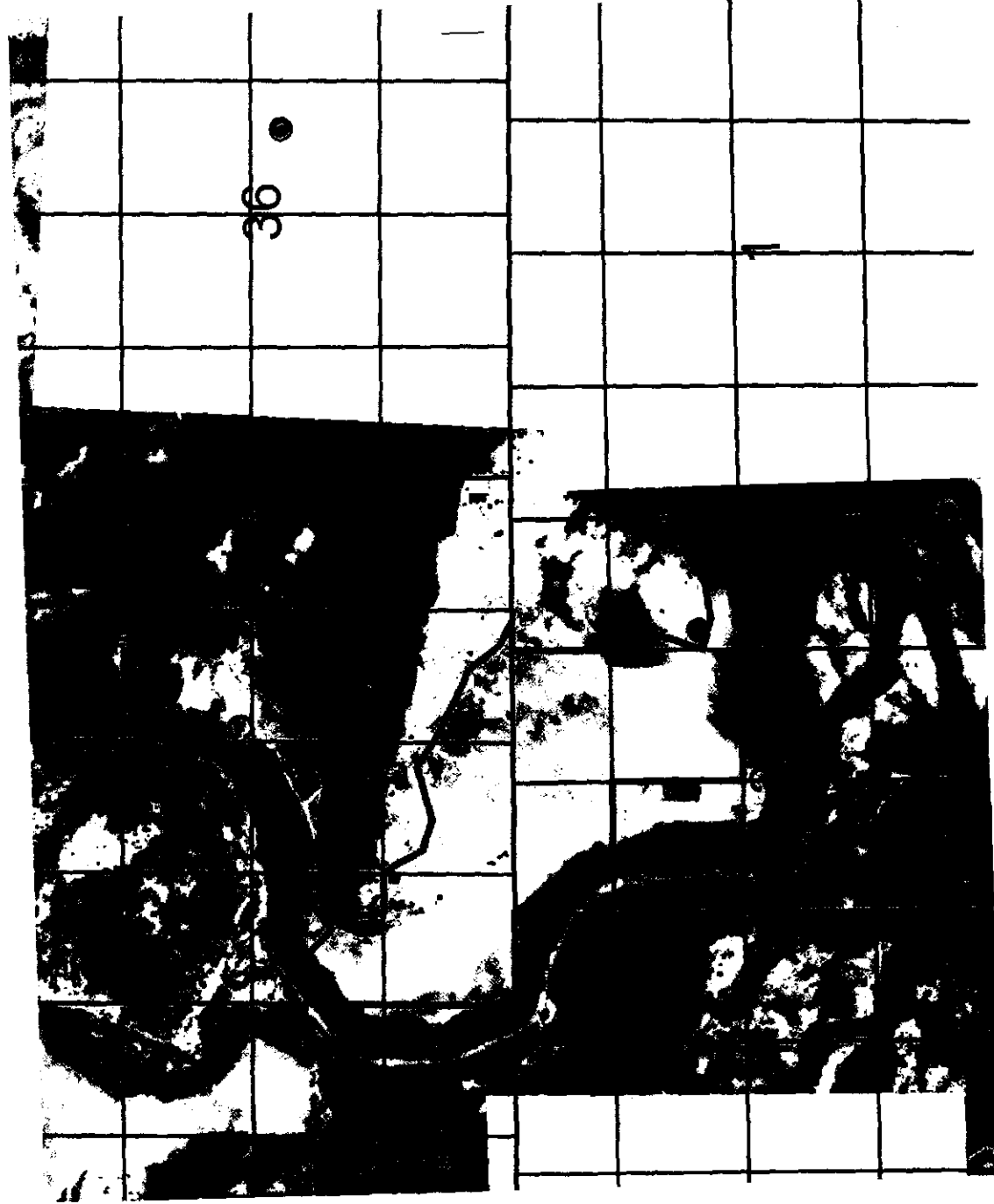
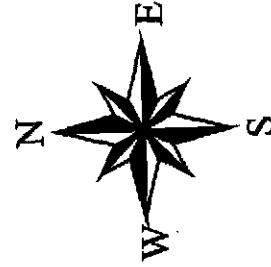
Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. Measuring devices shall also be installed and maintained at a) the 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 4 of 5

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5334 is now described as follows.

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

Priority Date: August 15, 1889

Source: MINNEHA 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>
IRRIGATION	03/15	11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01	12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK	NWNESW	Sec. 35 Twp 05N Rge 04E BOISE County
MINNEHA CREEK	NWSE	Sec. 36 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
				L2			L3												
05N	04E	35								5.0	15.0	5.0				1.0			26.0

Total Acres: 60

CONDITIONS OF APPROVAL

- EXP 1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- EXP 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- Qnt 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.
- 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.

Page 5 of 5

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

- 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 Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 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 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.
- Poll irrig Koe + 27 13. This right is limited to the irrigation of 46 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 5/1 and after 10/1 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 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.
- Qnt 16. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

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
TRANSFER OF WATER RIGHT
TRANSFER NO: 69538

AMENDED

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)

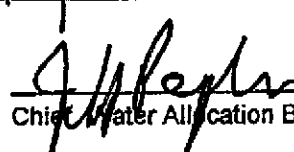
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-5332	NO	NO	YES	YES	NO	NO
63-5334	NO	NO	YES	YES	NO	NO

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, 20 03


For Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538**

In accordance with the approval of Transfer No. 69538, Water Right No. 63-5334 is now described as follows.

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

Priority Date: August 15, 1889

Source: MINNEHA 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>
IRRIGATION	03/15 to	11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01 to	12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County
MINNEHA CREEK NWSE Sec. 36 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
				L2			L3												
05N	04E	35									5.0	15.0	5.0				1.0		26.0

Total Acres: 60

CONDITIONS OF APPROVAL

- EXP 1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- EXP 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- QNT 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.
- 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.

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 69538

CONDITIONS OF APPROVAL

- 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 Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 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.
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.
- EAP 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.
- Pot 12. This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
- Purpose of Use 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 5/1 and after 10/1 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 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.
- Qnt 15. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.

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, 2003

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	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Office of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Osprey Land Co.	☐ overnight mail
737 N. 7 th St.	☒ regular mail
Boise, ID 83702	☐ hand-delivered
	☐ facsimile

Boise Project Board of Control	☐ overnight mail
c/o Albert P. Barker/Amy D. Chestnut	☒ regular mail
P.O. Box 2139	☐ hand-delivered
Boise, ID 83701-2139	☐ facsimile

Joni Harris
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,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

JS:lh
Enclosures

50

Department of Water Resources

In Re SRBA

Case No. 39576

STANDARD FORM 1 OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING

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

SF. 1 - Objection
Amended 10/16/97

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.

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:

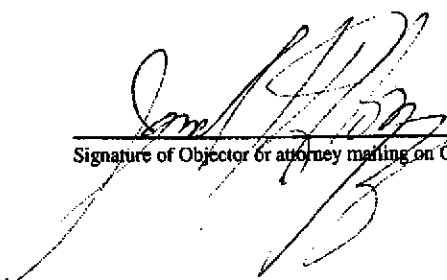
Name: Osprey Land Company
Address: 737 N 7th St
Boise, ID 83702

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



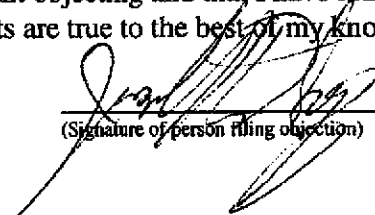
Signature of Objector or attorney mailing on Objector's behalf

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:

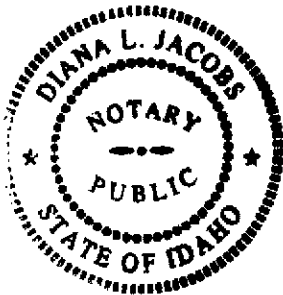
January 30, 2003



Notary Public for: Idaho

Residing at: Boise

My Commission Expires: 5-23-06



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.

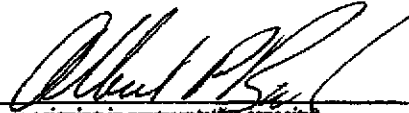
VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

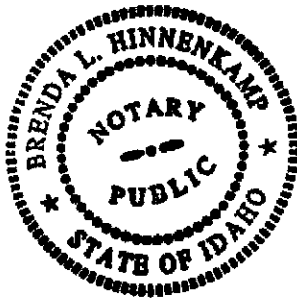
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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
Elizabeth 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,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

LH:l
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).

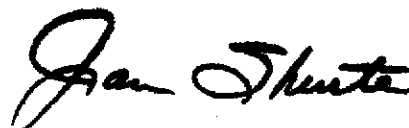
The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ 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



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES 09/21/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-5334

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

SOURCE: MINNEHA CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 1.94 CFS

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

THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE. 1.02 CFS OF THE DIVERSION RATE IS FOR CONVEYANCE LOSS.

PRIORITY DATE: 08/15/1889

POINT OF DIVERSION:

T05N R04E S36 NWSE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.940 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S35 NWSW 14.0 T05N R04E S35 SWSW 32.0

STOCKWATER same as IRRIGATION

46 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: Statutory Claim

SOURCE IS ALSO KNOWN AS MINNEHAHA CREEK.
STOCKWATER, 70 RANGE CATTLE

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

CLAIM NO(s). A03-5334

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 8-15-1889.
(If the priority date, based on your exam, seems questionable, explain below.)

Recommended as claimed based on posted notice
and depositions on file. (See vault file for
complete depositions)

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

Source found: _____

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

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

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

2.1 miles of ditch from POD to POA. POD was
washed out in 1995. It will be restored is the
pending transfer is not approved.

6. ☐ No Change - WATER USES

☐ Different uses, (list uses found):

Use Stockwater From 1-1 To 12-31 Amount .03 CFS AFA
 Use Irrigation From 3-15 To 11-15 Amount 1.94 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 1.94 CFS AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: Stock # 70 List types:

Additional comments: Stockwater use reflects historical use.

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

* 1.02 cfs is for conveyance loss (See attached worksheet)
Place of Use has been subdivided and is part of Osprey
subdivision. Principals are Barry Marcus, Sandy Sines
and Horace Chapman.

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on USGS topo map

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-7-01 + 8-27-01

FIELD EXAMINER:

Print Name

Mel Schulte

Signature

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-10-2001

File Number: A63-5334

Claimant: OSPREY LAND CO.

Channel measured: DITCH BELOW POD

Date of measurement: 9/7/2001

Measurement location:

APPROXIMATELY 100 YDS BELOW THE POD

Calculation prepared by: MEL SCHULTE

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 88 feet.

The upstream and downstream rod readings are 8.24 and 8.68 feet.

The channel cross section is 4.98 ft-sq.

The wetted perimeter is 6.28 feet.

The hydraulic radius is 0.79 feet.

The slope is 0.0050

The roughness coefficient is 0.0400

The flow velocity is 2.257 ft/sec.

The rate of flow is 11.24 cfs.

A63-5334

PHOTOS TAKEN 09/07/2001

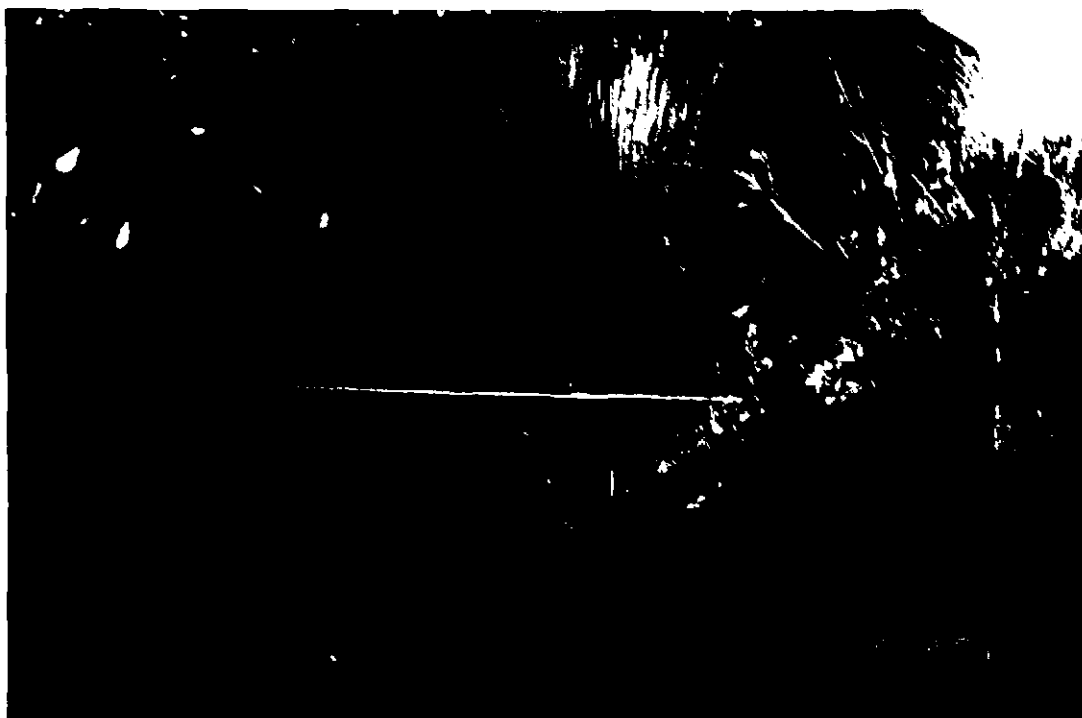


PHOTO #1
UPSTREAM
MANNINGS SITE

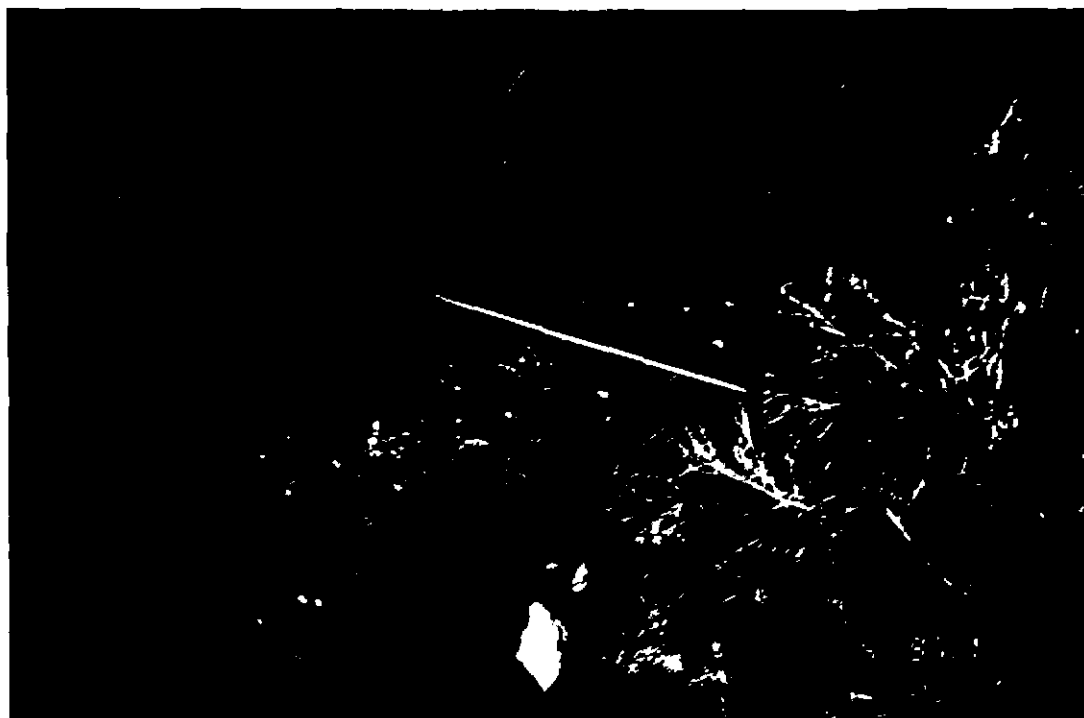
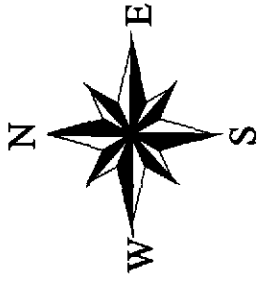


PHOTO #2
DOWNSTREAM
MANNINGS SITE

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

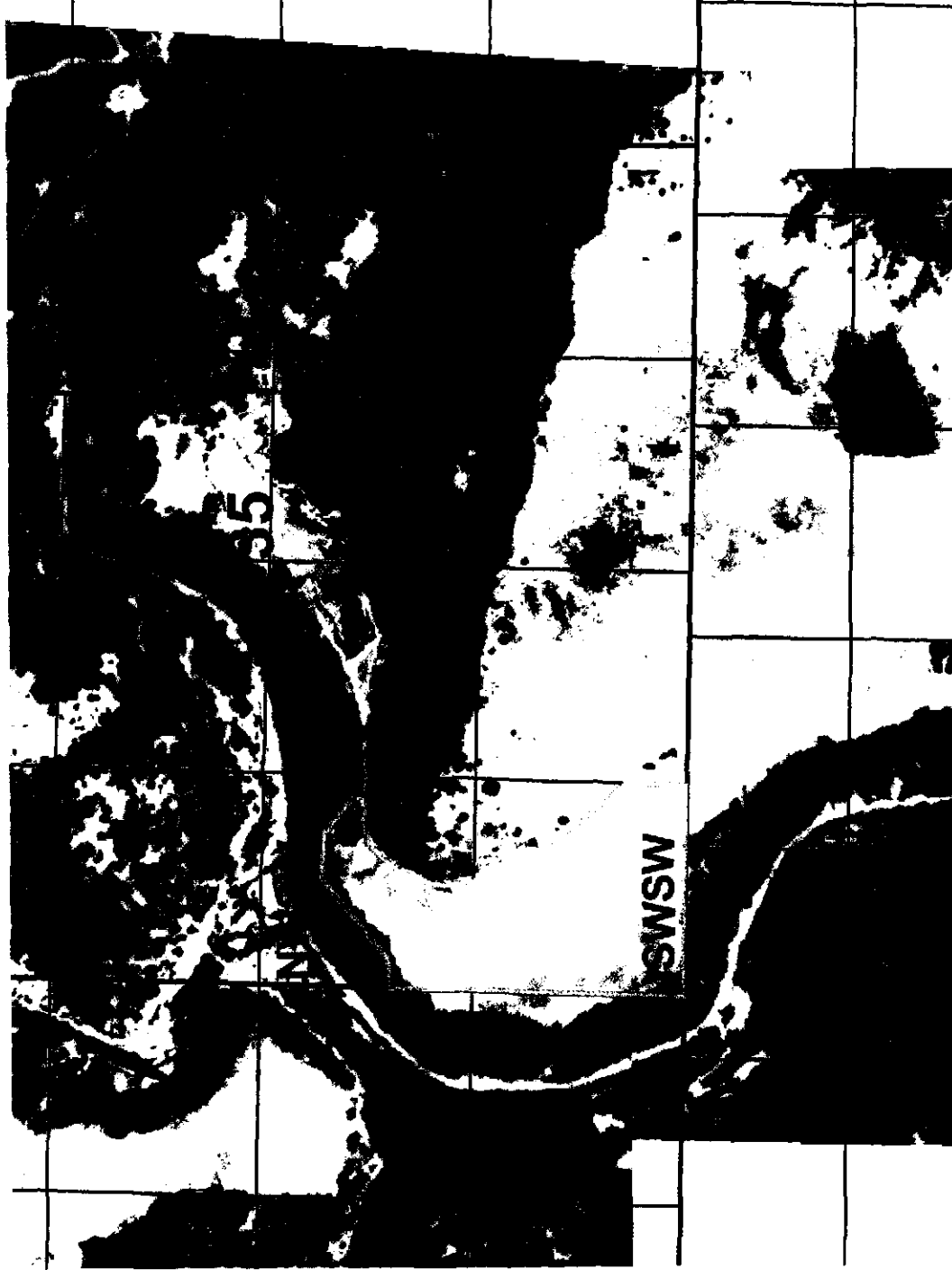
6 SECTION NUMBERS

CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

by: Mel Schulte

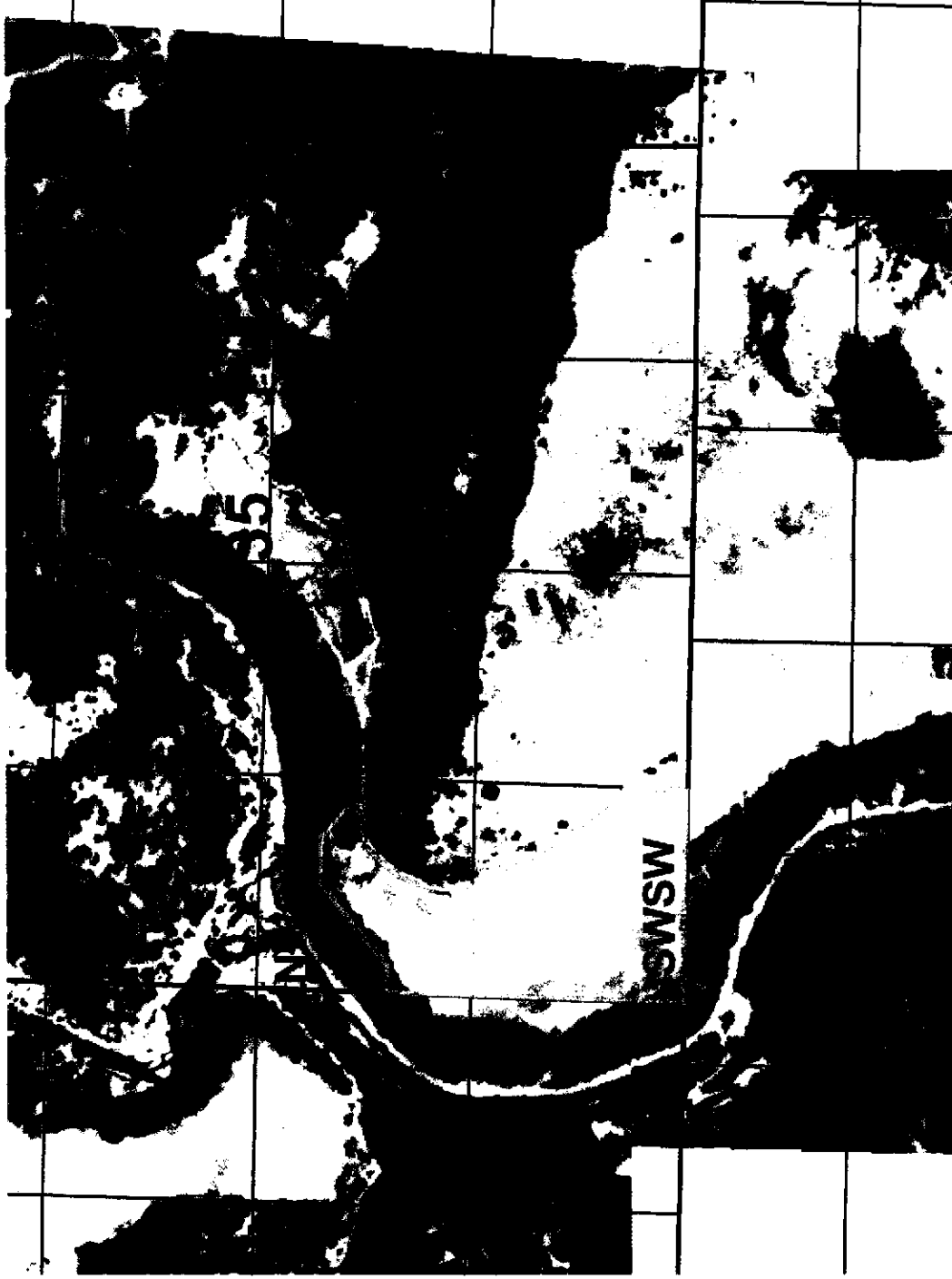
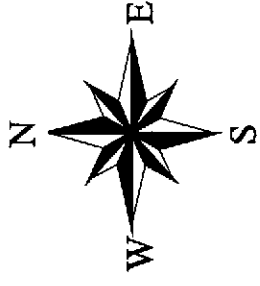


0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

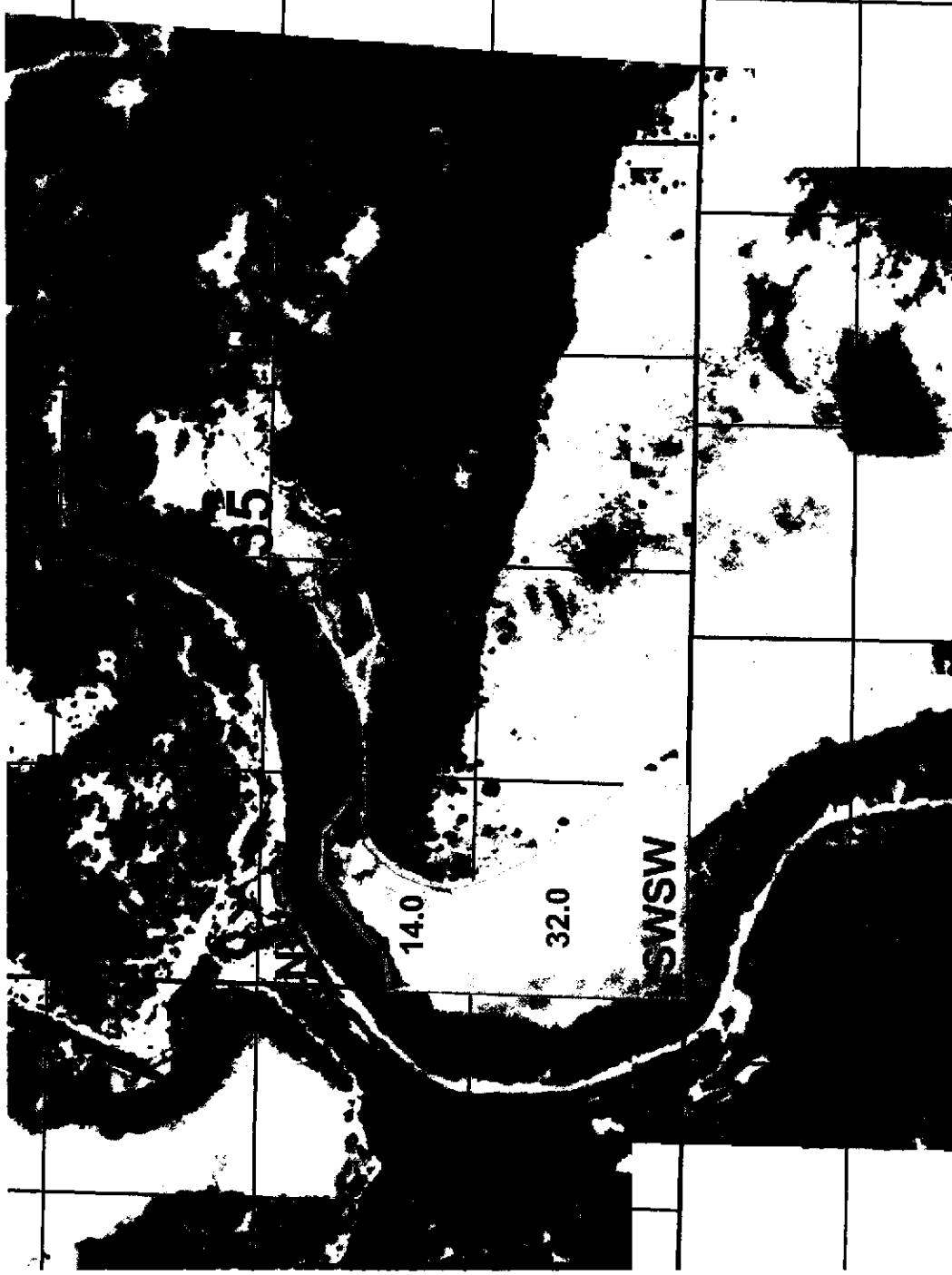
by: Mel Schulte

0 0.25 0.5 0.75 1 1.25 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

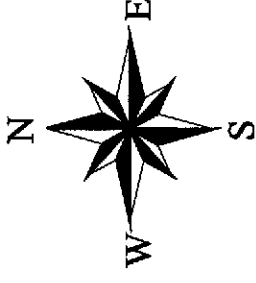
CLAIM(S): 63-5334

OWNER(S): OSPREY LAND CO

DATE: SEPTEMBER 21, 2001

by: Mel Schulte

1.25 Miles





ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: Mike Schulte

FIELD EXAM DATE: 9-7-01

FOR CLAIM(S) A03-5334

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

.5 to 1.4

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

WORK SHEET

W = (4.75 FT) i = (1.5 FT/DAY) (0.0667)

S = .475 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (.475 CFS/MILE) (2.14 MILE)

CONVEYANCE LOSS = 1.02 CFS

Upper
Top of Ditch
2.90-ft
Depth
6.0' at High water
mark

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 6.0
Section 2 = 3.5
Section 3 =

Total.... = 9.5

1/2 or 3... = 4.75' = W

Length in Inches = = A

Map Scale: In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

$\frac{11315'}{5280'} = 2.14$ miles using
GIS measuring tool

Lower
Top of Ditch
depth = .90
width = 3.51
at high
water mark

Upstream Meas.

depth	distance
1. <u>0</u>	<u>0</u>
2. <u>.75</u>	<u>1.0</u>
3. <u>1.2</u>	<u>2.0</u>
4. <u>1.25</u>	<u>3.0</u>
5. <u>1.1</u>	<u>4.0</u>
6. <u>.85</u>	<u>5.0</u>
7. <u>.45</u>	<u>6.0</u>

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A63-5334

Name of Claimant(s): Osprey Land Co.

Name of Ditch, Canal, or Stream: ditch below P&D

Date of Measurement: 9-7-01 Data Collected By: MS. CMM

Measurement Location: NW 1/4 SE 1/4 Section 36 T5N R4E

Cross Section Data

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

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

<u>Upstream</u>		<u>Downstream</u>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>.75</u>	<u>1.0</u>	8. <u>.45</u>	<u>1.0</u>
3. <u>1.2</u>	<u>2.0</u>	9. <u>1.1</u>	<u>2.0</u>
4. <u>1.25</u>	<u>3.0</u>	10. <u>1.25</u>	<u>3.0</u>
5. <u>1.1</u>	<u>4.0</u>	11. <u>1.2</u>	<u>4.0</u>
6. <u>.85</u>	<u>5.0</u>	12. <u>.70</u>	<u>5.0</u>
7. <u>.45</u>	<u>6.0</u>	13. <u>.25</u>	<u>5.5</u>

Slope Data

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

Level Readings: upstream downstream

upper stadia 8.44 8.96

center 8.25 8.68

lower stadia 8.06 8.46

channel length

stadia difference (.38 + .50) x 100 = 88

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

Comments

Are maps and/or photos attached? yes ()

MANNING'S "n" (roughness coefficient)

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5334

WATER RIGHT NUMBER: 63-5334

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

Priority Date: 08/15/1889

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	5/01 to 10/01	0.030 CFS	1.03
IRRIGATION	5/01 to 10/01	~~3.200 CFS~~	1.94
		<u>Total Diversion:</u>	<u>3.200 CFS</u>

Location of Point(s) of Diversion

MINNEHA CREEK	NW1/4SE1/4	Sec. 36, Twp 05N, Rge 04E, B.M.
BOISE County		

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	
05N	04E	35									20.0		30.0						50.0
											14		32						46.

Total Acres: 50

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General → SOURCE KNOWN LOCALLY AS MINNEHAHA CK. THE DEPOSITIONS REFERRED TO ON THE ATTACHED CLAIMS ARE ON FILE IN ADA COUNTY, 4TH DIST. CASE 60122 AND WITH DEPT. OF WATER RESOURCES. SEE ATTACHED CLAIMS, ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.^^^

Comments:

Exp - stock = 70 range cattle
 Qnt. = @ .02 cfs/acre at the field head gate.
 C18 + N05 + N08

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5334

Dates and Other Information:

Claim Received Date: 5/22/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



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,

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

WATER RESOURCES
WESTERN REGION

2. Our water right in Minneha Creek is identified as A63-5334. Our water right out of Corral Creek is identified as A63-5332.

3. I was one of the owners of the Chapman Ranch prior to its conveyance to Chapman Ranch, LLC in 1997 and subsequent conveyance of a portion of the Chapman Ranch by Chapman Ranch, LLC to Osprey Land Company in 2000 and 2001. The Chapman Ranch consists of approximately 2,000 acres. It adjoins State Highway 21 on the east. That portion conveyed by Chapman Ranch, LLC to Osprey Land Company consists of the High Corral Subdivision No. 2 and Osprey Subdivision Phase 1 and Osprey Subdivision Phase 2. These subdivisions encompass the land which is irrigated by our Minneha Creek and Corral Creek water rights.

4. My direct involvement with the Chapman Ranch began in 1940. I am familiar with the use of water on the Chapman Ranch during every year since 1940. My brother and I and our partner, Bill Adams, did all of the work involved in diverting water from Minneha Creek and Corral Creek each year to irrigate the ranch. I have lived on the Chapman Ranch continuously since 1940. Historically, water was diverted from Minneha Creek and Corral Creek to irrigate the ranch and provide stock water each year up to 2000, when the Osprey Subdivisions were constructed.

5. Historically, we used Corral Creek water to irrigate approximately ten acres located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 4 N. Range 4 E. and for stock water. The last year that this water was used was 1999 when we leased the Chapman Ranch to Kim Astle for the purpose of grazing 150 cow-calf pairs.

6. Historically, the water that we diverted from Minneha Creek was used for stock water and for irrigating approximately 20 acres in the NW $\frac{1}{4}$ of the SW $\frac{1}{2}$ of Section 35 and approximately 30 acres in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 N., Range 4 E.

BM. The last year that this water was used was 1999 when we leased the Chapman Ranch to Kim Astle.

7. Each year we dammed up Minneha Creek and Corral Creek with dirt and plastic and canvas sheeting, diverting all of the flow into ditches which carried the water to the fields where we grew alfalfa and wild grass. We built a dam, reservoir and headgate in Minneha Creek which replaced the diversion structure maintained by the prior owner of our property. (See the deposition of Minnie Swan.) We diverted substantially all of the flow of these creeks each year since 1940. Water was first diverted from Minneha Creek in 1889 and from Corral Creek in 1900, by the prior owners of the Ranch.

Dated this 2nd day of October, 2001.

Horace Chapman
Horace Chapman

SUBSCRIBED AND SWORN TO before me this 2nd day of October, 2001.

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

