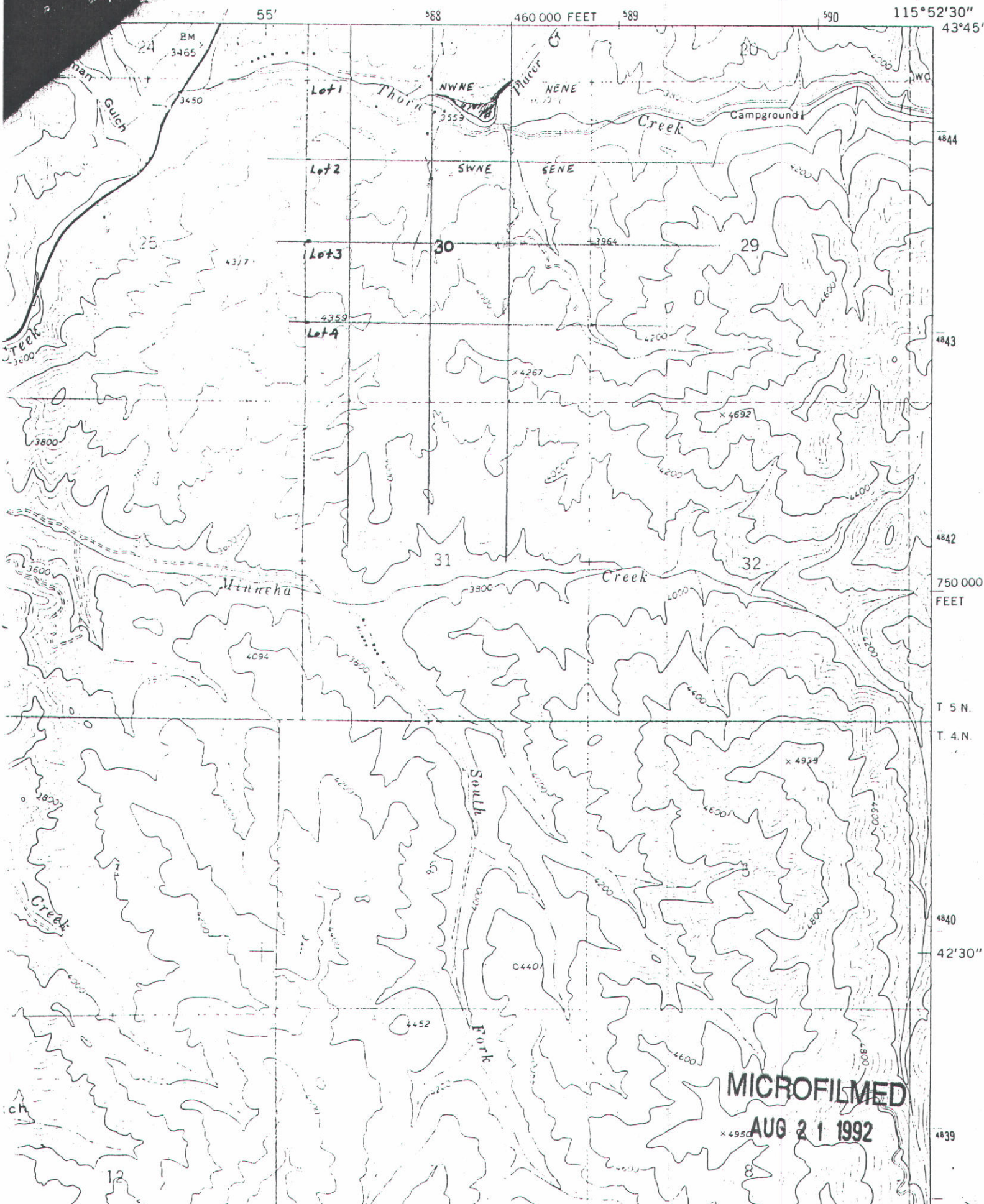


DUNNIGAN CREEK QUADRANGLE
IDAHO-BOISE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2871' 1"
(IDAH)



A63-5373

PHOTOS TAKEN 09/07/2001



PHOTO #1
POD AND REDIVERSION
SITE FOR 63-5109 THORN
CREEK WATER



PHOTO #2
IRRIGATION POU
FOR 63-5109 &
63-5373

A63-5373

PHOTOS TAKEN 09/07/2001



PHOTO #3
UPSTREAM MANNING
SITE



PHOTO #4
DOWNSTREAM
MANNING SITE

A63-5373

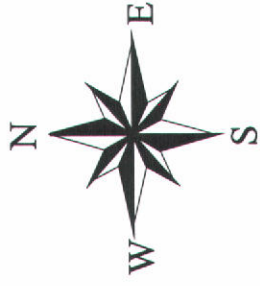
PHOTOS TAKEN 09/07/2001



PHOTO #5
INDUSTRIAL SITE &
MINING SITE FOR
63-5109

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES

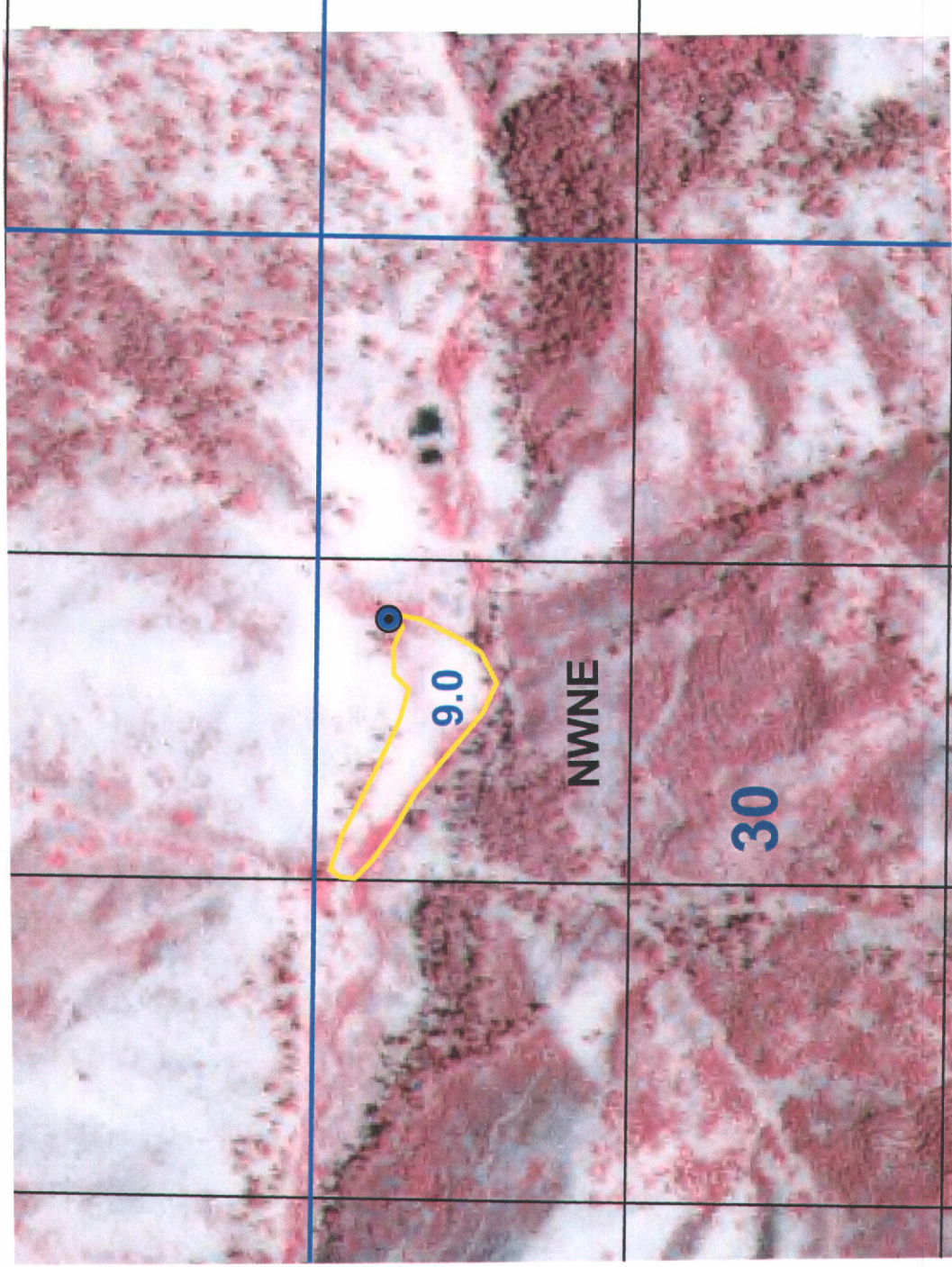


SECTION LINES



6 ACRES

6 SECTION NUMBERS



CLAIM(S): 63-5373

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

by: Mel Schulte

0.75 Miles

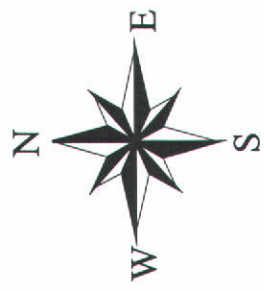
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

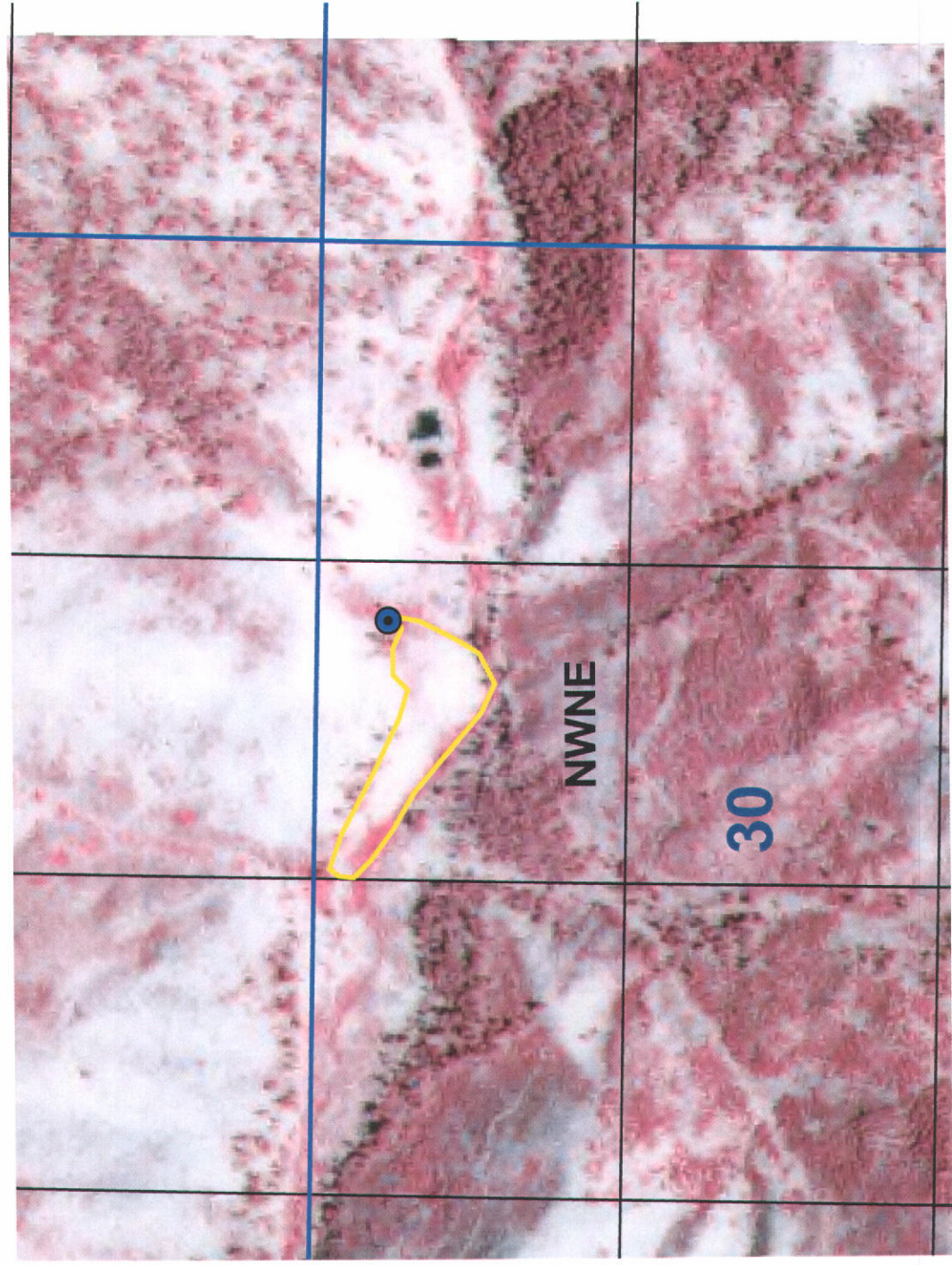
6 SECTION NUMBERS

CLAIM(S): 63-5373

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

by: Mel Schulte



0.75 Miles

0.5

0.25

0

03-5373

T05N, R05E



30

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 63-5373
Date Received: 5/22/1989
Receipt No: W002933
Received By:

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

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

Phone: (208) 342-3563

2. Date of Priority: 01/01/1925

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

4. Point of Diversion:

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

5. Description of diverting works:

CISTERN, PUMP & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	
INDUSTRIAL	1/01	12/31	0.46	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05E	30	NW NE NW NE		DOMESTIC IRRIGATION	20
Section Acres						20
Total Acres						20

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:

THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS IN- CORPORATED
HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPART- MENT OF WATER RESOURCES. SEE
ATTACHED
RECEIPT NUMBERS ARE W002933 AND W002932
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 63-5373
Date Received: 5/22/89
Receipt No: W002933
Received By:

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

1. Name of Claimant(s): CRAIG MARCUS
737 NORTH 7TH STREET
BOISE ID USA 83702

Phone: (208)342-3563

BARRY MARCUS
737 NORTH 7TH STREET
BOISE ID USA 83702

Phone: (208)342-3563

EARL CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

HORACE CHAPMAN Phone: (208)343-0076

40 ADAMS RD
BOISE ID USA 83716

2. Date of Priority: 01/01/1925

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

4. Point of Diversion:

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

5. Description of diverting works:

CISTERN, PUMP & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	
INDUSTRIAL	1/01	12/31	0.46	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05E	30	NW NE NW NE		DOMESTIC IRRIGATION	20
					Section Acres	20
					Total Acres	20

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:

THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS IN- CORPORATED
HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPART- MENT OF WATER RESOURCES. SEE
ATTACHED
RECEIPT NUMBERS ARE W002933 AND W002932

15. Basis of Claim: Statutory Claim

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

RECEIVED
AUG 21 2001
 WATER RESOURCES
 WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A63-5109</u>				
	<u>A63-5373</u>				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

4. New Owner/Claimant(s)

C-M L.L.C.

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

New Mailing Address

737 N. 7TH ST.

City, State and ZIP Code

BOISE ID. 83702

New Telephone Number

(208) 342 3563

5. Date you acquired the property

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

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

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

7. Signature of New Owner(s) or Claimant(s) C-M LLC
(include title if applicable)
By Barry Marcus, managing mem

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

For Office Use Only

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05373
Date Received: 5/19/1989
Receipt No: W002933
Received By: DEMI

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JAN 01, 1925

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

4. Point of Diversion:

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

5. Description of diverting works:
CISTERN, PUMP & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		
DOMESTIC	01/01	12/31	0.040		

6. Water is used for the following purposes: Continued

Purpose	From	To	C.F.S (and/or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.460	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME & SHOP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	05E	30	NW NE		IRR	20.0
			NW NE		DOMEST	
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS INCORPORATED HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPARTMENT OF WATER RESOURCES. SEE ATTACHED.
RECEIPT NUMBERS ARE W002933 AND W002932.

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 63-5373
Date Received 5-19-89-LW
Receipt Number W002933 +
W002932

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Horace Chapman & Earl Chapman
Barry Marcus & Craig Marcus Phone (208) 342-3563
HC 33, Box 1470, Boise, Idaho 83706
Mailing Address 737 North 7th Street, Boise, Idaho Zip 83702
2. Date of Priority (Only one (1) per claim) January 1, 1925
3. Source of water supply (a) Placer Creek
which is tributary to (b) Thorn Creek
4. a. Location of existing point of diversion is: Township 5N Range 5E Section 30,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Boise
Additional points of diversion if any: none
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Cistern, pump and ditch.

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/01 to 11/01 amount 0.500 ^{3.04} or 3.04

For Domestic purposes from 1/01 to 12/31 amount 0.500 ^{3.04} or 3.04

For Industrial purposes from 1/01 to 12/31 amount .46 or 3.04

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.500 (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.) D/1 Home and Shop

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	5E	30		20															20
5N	5E	30		D															

Total number of acres irrigated 20.0

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

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

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

14. Remarks:

The deposition of George Emerson, Boise County Case No. 870 is incorporated herein by reference, a copy is filed with the Department of Water Resources.
See attached.

MICROFILMED

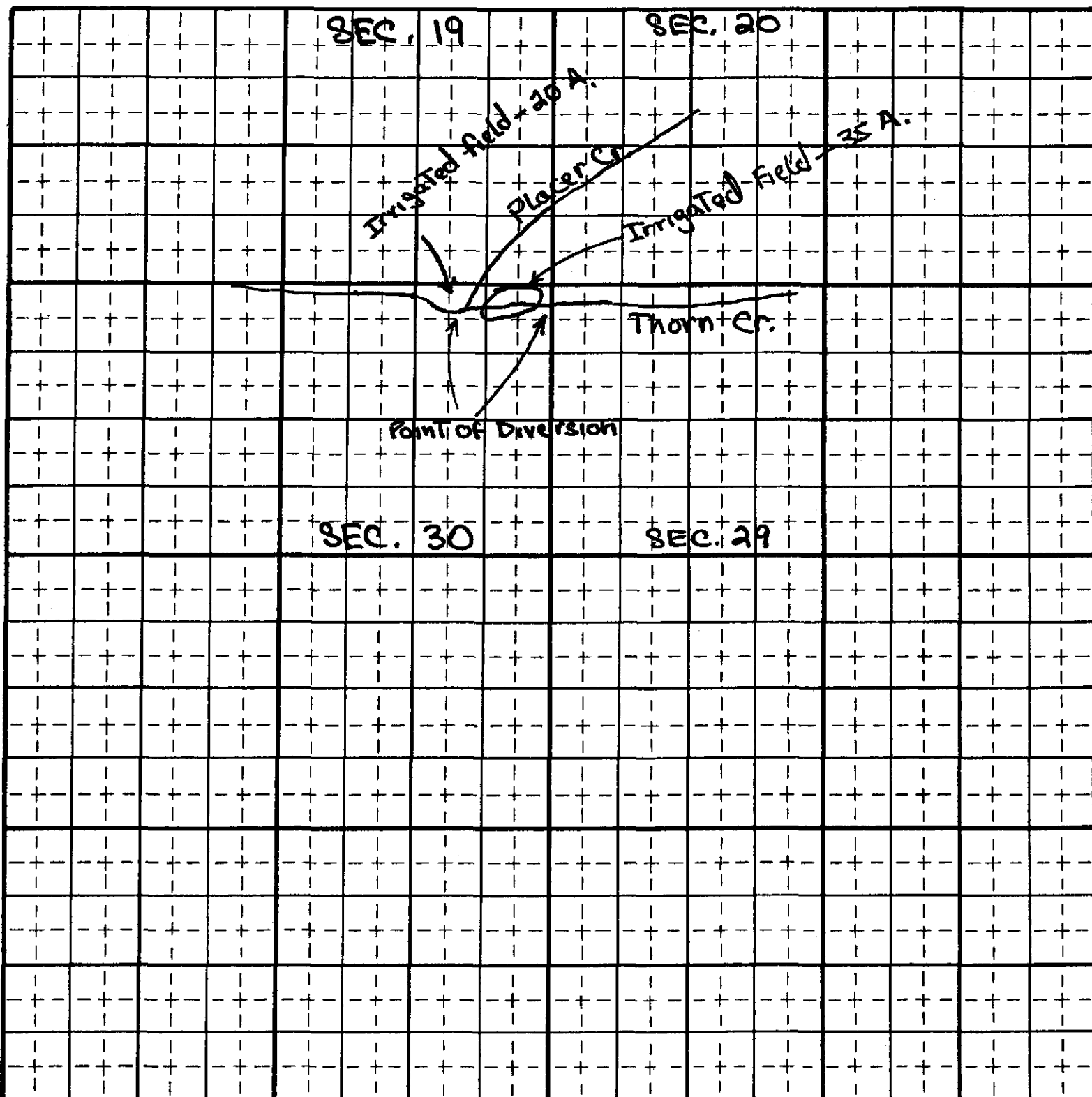
AUG 21 1992

Last Name Chapman/Marcus 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



MICROFILMED

AUG 21 1992

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

Chapman-Marcus

Last Name

Ident No.

Copies: White-State, Yellow-Claimant

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

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

16. Signature (s)

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

Number of attachments 1

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

Barry Marcus Date 5/17/89

Craig Marcus

Thom Chapman

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

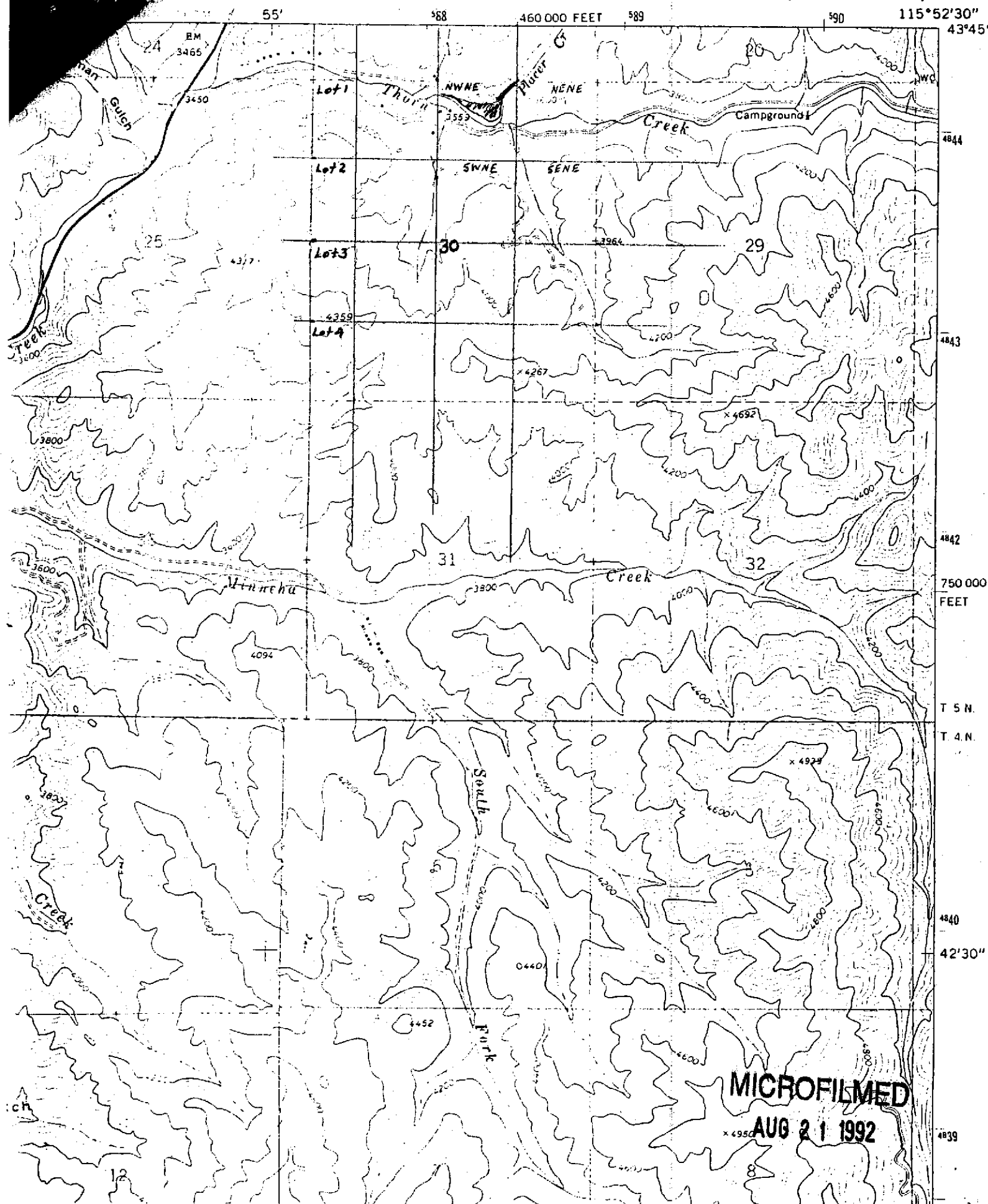
Date 5/17/89

MICROFILMED
AUG 21 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

2871 11
11DAH



97000508

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

ADA CO. RECORDER
 J. DAVID NAVARRO
 BOISE ID 163090

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

FEE 27.00 DEP 27.00
 RECORDED AT THE REQUEST OF

QUITCLAIM DEED

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

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

together with their appurtenances.

DATED this 11th day of December, 1996.

Horace Chapman
 Horace Chapman, a single man

Earl Chapman
 Earl Chapman, a single man

Craig Marcus
 Craig Marcus, a married man

Lynne Marcus
 Lynne Marcus, a married woman

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

9700276

RECORDED

'97 JAN 6 PM 12 27

NED J. KERR

CANYON CITY RECORDER

BY J. David Navarro

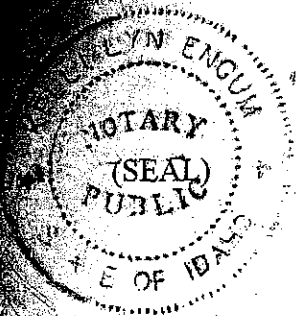
REQUEST Marcus, Merrick & Montgomery

TYPE Deed FEE 27.00

)
: ss.
)

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

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

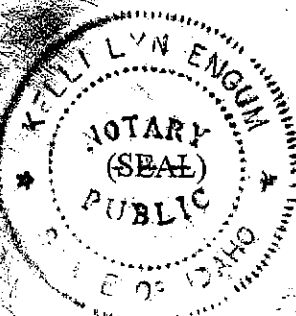


Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

STATE OF IDAHO)
: ss.
County of Ada)

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

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



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

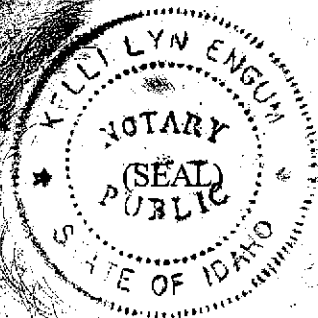
IDAHO

)
: ss.
)

of Ada

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

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



Kelli Lyn Engum

Notary Public for Idaho

Residing at Caldwell, Idaho

My Commission Expires: 10/14/98

EXHIBIT A

Thorn Cr. Property:

Tract I

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

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

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

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

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

Ben Rue	Recorded Book 55 of Deeds, page 400;
Caroline Kohley	Recorded Book 55 of Deeds, page 370, and Book 56 of Deeds, pages 98 and 250;
David Tate	Recorded Book 53 of Deeds, page 619;
Ray Layshure	Recorded Book 52 of Deeds, page 546; and Book 54 of Deeds, page 215;

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

Ray Weaver	Recorded Book 52 of Deeds, page 547; and Book 54 of Deeds, page 211; and Book 54 of Deeds, page 212;
Chester DeRousse	Recorded Book 53 of Deeds, page 300; and Book 56 of Deeds, page 369; and Book 56 of Deeds, page 373; and Book 56 of Deeds, page 368;
Carl Hopewell	Recorded Book 53 of Deeds, page 12;

Warren Drake
Laurence Ryther

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

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

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

Tract II

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

Together with all water rights appurtenant to both.

Gibbons Property:

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

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

The N½NE¼ of Section 10, less 3½ acres;

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

Carpenter Property:

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

And

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

Joplin Property:

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

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

AND

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

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

together with all appurtenances including mineral rights and water rights.

Meadow Wood Subdivision Property:

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

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

Warm Springs Avenue Property:

State of Idaho, County of Ada:

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

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

Boise County Mineral Rights:

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

EXHIBIT B
Meadow Wood Subdivision Property: (5 + Acres Parcel)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

containing 5.40 acres, more or less.

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

Snake River Basin Adjudication
Change in Address of Notice of Claim

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

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

Previous Mailing Address: HC 33 Box 1470 Brain ID
83706

New Mailing Address: 40 Adams R.D. Brain ID
83706

Telephone Number: (208) 343 0076

Signature of Claimant(s): Ronace 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 I
Adjudication Section
Western Region Office

DB:db

Enclosure

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME C. Chapman Norace

CLAIM IDENT. NO. 63-5373

DATE RECEIVED 5-19-89

CK # 5470 + 5481

AMOUNT \$ 70 + 46

- | | YES | NO | Requi
Inr |
|---|-------------------------------------|-------------------------------------|--------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) <u>N/A</u> | ☒ | ☐ | |
| 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? <u>N/A</u> | ☒ | ☐ | |
| Is the consumptive use correct? <u>N/A</u> | ☒ | ☐ | |
| 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. <u>N/A</u> | ☒ | ☐ | * |
| 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.) <u>N/A</u> | ☒ | ☐ | |
| 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? <u>Exempt</u> | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? <u>N/A</u> | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: LW Date: 6-6-89

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

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

Receipt Prepared by: Date:
Claim data entered by: Date: Checked by: Date:
Sent to claimant by: Date:

Comments: "Chuck C. flow presumption" - Remark add. usage

MICROFILMED

AUG 21 1992

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

In the Matter of the Application of
Bill Adams, Horace Chapman and Earl
Chapman to perpetuate the testimony
of Ralph Emerson.

) CASE NO. 870
)
) DISTRICT COURT BOISE COUNTY, IDAHO
) Recorded in Book _____ Page _____
)

Filed OCT 8 1973 No.

ARLENE B. KOLAR, Clerk
By John C. Tucker DEPUTY

DEPOSITION OF GEORGE EMERSON, taken at the instance
of the Applicants, at the Law Offices of Marcus & Marcus,
625 First National Bank Building, in the City of Boise,
State of Idaho, Commencing at 10:08 a.m., on Tuesday,
March 27, 1973, before JOHN C. TUCKER, 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 the Applicants

MARCUS & MARCUS
by BARRY L. MARCUS, Esq.
625 First National Bank Building
Boise, Idaho 83702

For Idaho State Reclamation
Engineer R. Keith Higginson

W. ANTHONY PARK
Attorney General, State of Idaho
by NATHAN W. HIGER, Esq.
Assistant Attorney General
Statehouse
Boise, Idaho 83707

MICROFILMED

AUG 21 1992

John C. Tucker

COURT AND DEPOSITION REPORTER
POST OFFICE BOX 1825, BOISE, IDAHO 83701
TELEPHONE 345-3704

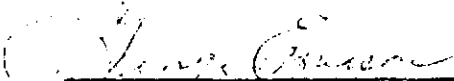
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VERIFICATION

STATE OF IDAHO,)
County of Ada) ss.

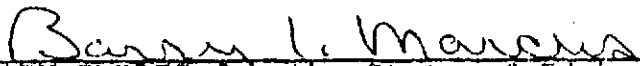
I, GEORGE EMERSON, being first duly sworn on my
oath, depose and say:

That I am the witness named in the foregoing
deposition, consisting of pages numbered 1 to 29, 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 EMERSON

Subscribed and sworn to before me this 10th day
of July, 1973, at Boise, Idaho.



NOTARY PUBLIC for the State of Idaho

Residing at Boise, Idaho.

My commission expires 6/77.

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

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

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

1. ☒ **Name and Address**
Should be: Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The State of Idaho, through the Idaho Department of Lands, is the owner of the land upon which use is claimed. This land is Public School endowment land. This land consists of a portion of section 30, Township 5 North, Range 5 East, Boise Meridian. The overlap of the place of use for Notice of Claim No. 63-05373 with the Public School Endowment Land is shown on Attachment I. The claimant does not have a valid water right for use on the endowment land because a private claim cannot be on such lands.

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

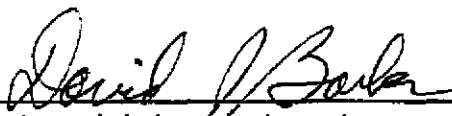
F. VERIFICATION

State of Idaho)
) ss.
County of Ada)

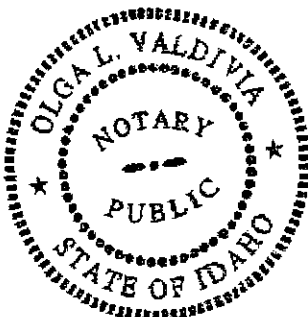
David J. Barber, being first duly sworn, upon oath, deposes and says:

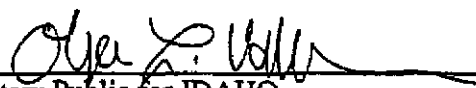
That the State of Idaho, Department of Lands, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Lands, which is a party/claimant in this proceeding as defined by I.C. § 42-1401A (1) and (6), and I have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

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


By Attorney signing in representative capacity

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




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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

U.S. MAIL

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

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

U.S. MAIL

3. Copies to:

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

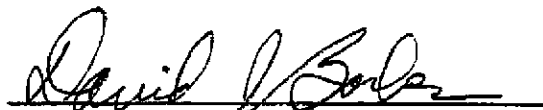
STATEHOUSE MAIL

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

(not applicable)

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

U.S. MAIL



Signature of Objector or attorney
Mailing on Objector's behalf

ATTACHMENT I

**BASIN 63, PART 1
PLACE OF USE
63-05373**

ATTACHMENT II

WARRANTY DEED

STATE OF IDAHO
ACQUIRED LANDS

State Acquisition
Identification No. 337

Inst # 176928

ACR #337

WARRANTY DEED

Warranty deed made this 10th day of April, 2000, between C-M L.L.C., whose mailing address is 25 Adams Ranch Road, Boise, Idaho 83706, referred to as "Grantor", and STATE OF IDAHO, DEPARTMENT OF LANDS, whose mailing address is 654 West Jefferson St., P.O. Box 63720, Boise, Idaho 83720-0050, acting by and through the State Board of Land Commissioners, referred to as "Grantee".

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

Township 4 North, Range 5 East, S.M.

Acres

Section 30: Lots 1 and 2 and those portions of NE1/4NW1/4 and NW1/4NE1/4 lying south of Thom Creek Road excepting however, those parcels of real property described in instrument Nos. 140827, 181418 and 172722, recorded at Boise County, Idaho, and the Thom Creek County Road #377

TOTAL ACRES:

96.00

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

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

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

EXECUTED this 10th day of April, 2000.

C-M L.L.C.

By: Bobby Winters, managing member

By: Thomas Chapman

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

Warranty Deed
C-M L.L.C.
to State of Idaho
Page 2 of 2

176928

WASTE 176928
REQUEST State Dept of Land
DO MAY 12 AM 8:25
LONE COUNTY RECORDER
C. C. C. C. C.
TYPE 31 FEE 116

State of }
County of }

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

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



Christopher M. Carmichael
Notary Public for Idaho
Residing at Exeter, ID
My Commission expires 8/4/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5373

WATER RIGHT NUMBER: 63-5373

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

Priority Date: 01/01/1925

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
INDUSTRIAL	1/01 to 12/31	0.460 CFS	
IRRIGATION	4/01 to ~~11/01~~ 10-31	~~0.500 CFS~~ + 18	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

PLACER CREEK	NW1/4NE1/4	Sec. 30, Twp 05N, Rge 05E, B.M.
BOISE County		

Place of UseDOMESTIC Within BOISE County

T05N R05E S30 NWNE

IRRIGATION Within BOISE CountyT05N R05E S30 NWNE ~~20.0~~ 9 acTotal Acres: ~~20~~ 9INDUSTRIAL same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-5373

Conditions of Approval:

Remarks:

1. THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS INCORPORATED HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPARTMENT OF WATER RESOURCES. SEE ATTACHED.
RECEIPT NUMBERS ARE W002933 AND W002932.
Ownership changed by DB 8/22/2001

Comments:

Dates and Other Information:

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

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

CLAIM NO(s). 403-5373

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: 1-1-1925
(If the priority date, based on your exam, seems questionable, explain below.)

depositions & affidavits

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

Source found: _____

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

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

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

6. ☒ No Change - WATER USES

~~☒ Different uses, (list uses found):~~

Use Irrigation From 4-1 To 10-31 Amount .18 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

7. ☐ No Change - TOTAL VOLUME

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

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

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: 1 Stock # List types:

Additional comments:

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

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

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

Exam assisted by Horace Chapman
Measurements assisted by Maria Minicucci
Industrial equipment in place but not used for several years.
C18 + N10 + N12.

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-27-2001

FIELD EXAMINER:

Print Name

Mel Schulte
 Signature

WATER RESOURCES
WESTERN REGION

Telefax: (208) 342-2170

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

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

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

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

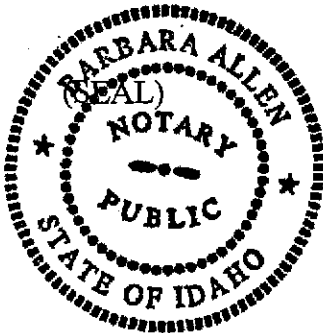
6. The early use of this water is described in George Emerson's deposition and in the Affidavits of Ephraim and John Casner.

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

Horace Chapman
Horace Chapman

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

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



MANNING EQUATION - DATA COLLECTION

Claim Number(s): A63-5373

Name of Claimant(s): _____

Name of Ditch, Canal, or Stream: ditch from Placer Creek

Date of Measurement: _____ Data Collected By: MS + TTT

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

Cross Section Data

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

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

<i>upstream</i>		<i>downstream</i>	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	1. <u>0</u>	<u>0</u>
2. <u>.35</u>	<u>.5</u>	2. <u>.55</u>	<u>.25</u>
3. <u>.40</u>	<u>1.0</u>	3. <u>.65</u>	<u>.50</u>
4. <u>.45</u>	<u>1.5</u>	4. <u>.65</u>	<u>.75</u>
5. <u>.45</u>	<u>2.0</u>	5. <u>.65</u>	<u>1.00</u>
6. <u>.50</u>	<u>2.5</u>	6. <u>.60</u>	<u>1.25</u>
7. <u>.35</u>	<u>3.0</u>	7. <u>.40</u>	<u>1.50</u>

Slope Data

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

Level Readings:	upstream	downstream	
upper stadia	<u>2.64</u>	<u>3.04</u>	
center	<u>2.48</u>	<u>2.94</u>	
lower stadia	<u>2.34</u>	<u>2.84</u>	channel length
stadia difference	<u>(30 + 20)</u>		x 100 = <u>50</u>

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)								

MANNING EQUATION CHANNEL CAPACITY RESULTS

09-07-2001

File Number: A63-5373
Claimant: CM LLC
Channel measured: DITCH BELOW POD
Date of measurement: 9/7/2001
Measurement location:

Calculation prepared by: MEL SCHULTE
Comments about the measurement:

THE LENGTH OF THE DITCH WAS NOT AS LONG AS DESIRED.

The results of the calculation are:

The channel cross section is 0.99 ft-sq.
The wetted perimeter is 2.54 feet.
The hydraulic radius is 0.39 feet.
The slope is 0.0092
The roughness coefficient is 0.0350
The flow velocity is 2.182 ft/sec.
The rate of flow is 2.17 cfs.

A63-5373

PHOTOS TAKEN 09/07/2001

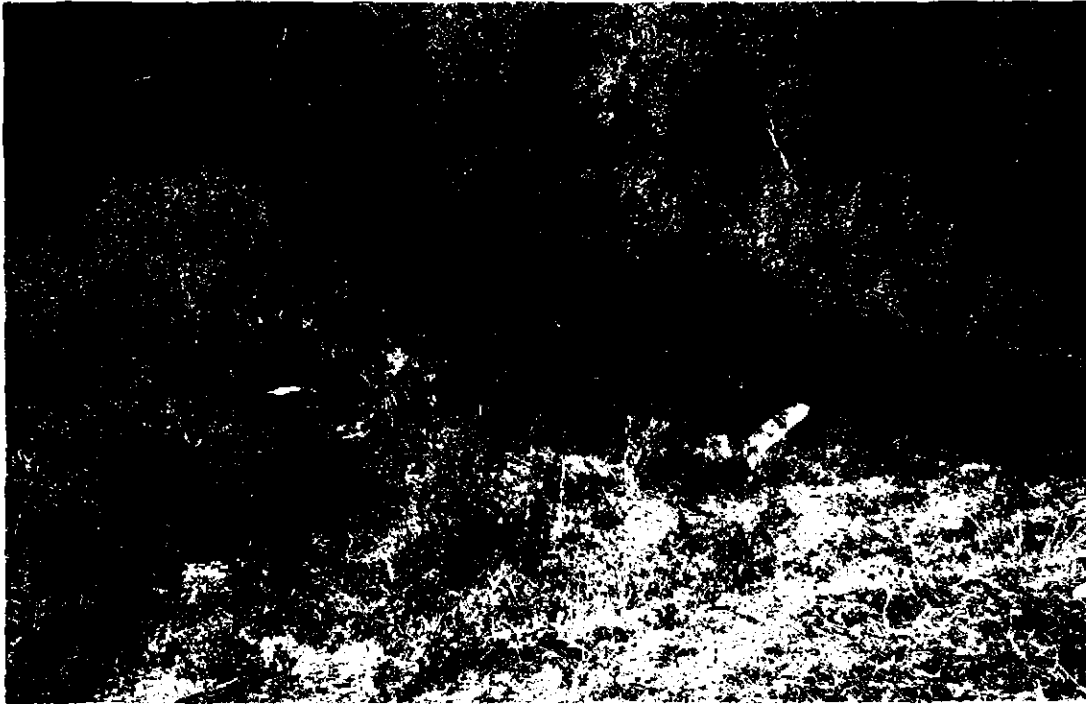


PHOTO #1
POD AND REDIVERSION
SITE FOR 63-5109 THORN
CREEK WATER



PHOTO #2
IRRIGATION POU
FOR 63-5109 &
63-5373

A63-5373

PHOTOS TAKEN 09/07/2001



PHOTO #3
UPSTREAM MANNING
SITE

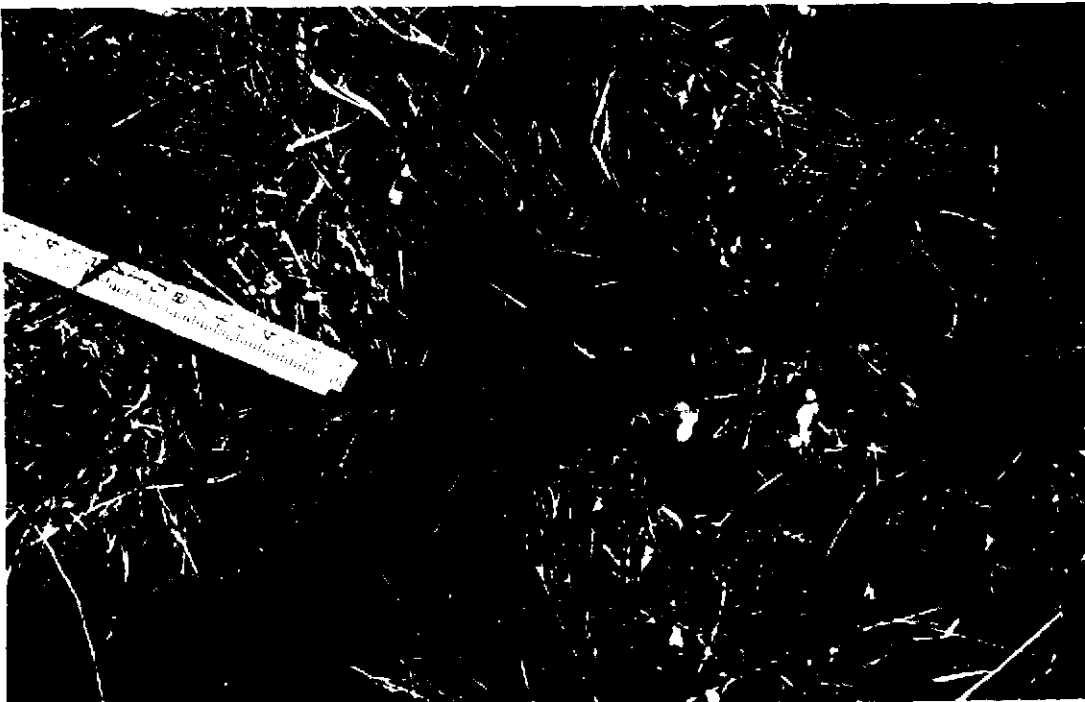


PHOTO #4
DOWNSTREAM
MANNING SITE

A63-5373

PHOTOS TAKEN 09/07/2001



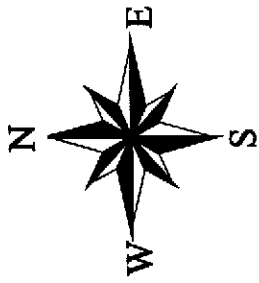
PHOTO #5
INDUSTRIAL SITE &
MINING SITE FOR
63-5109

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



0 0.25 0.5 0.75 Miles



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5373

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

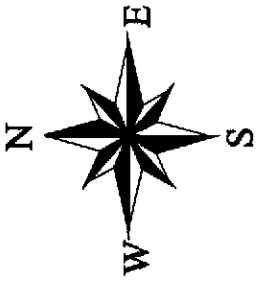
by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R05E, S30



0 0.25 0.5 0.75 Miles



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-5373

OWNER(S): C.M. LLC

DATE: NOVEMBER 13, 2001

by: Mel Schulte

JOHN, R05E



Don
Litch
↓
Pace
Cred

John
R05E



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 21, 2001

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

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

Dear Claimant(s):

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

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

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

Sincerely,

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

Denise Buffington
Office Specialist 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

BARRY MARCUS
737 NORTH 7TH STREET
BOISE, ID 83702

Re: Claim No(s). 63-5109

63-5373, 63-31074

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5373

WATER RIGHT NUMBER: 63-5373

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG MARCUS 737 NORTH 7TH STREET BOISE, ID 83702 (208)342-3563
Current Owner	BARRY MARCUS 737 NORTH 7TH STREET BOISE, ID 83702 (208)342-3563
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: 01/01/1925

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
INDUSTRIAL	1/01 to 12/31	0.460 CFS	
IRRIGATION	4/01 to 11/01	0.500 CFS	
<u>Total Diversion:</u>		0.500 CFS	

Location of Point(s) of Diversion

PLACER CREEK	NW1/4NE1/4	Sec. 30, Twp 05N, Rge 05E, B.M.
BOISE County		

Place of Use

DOMESTIC

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	05E	30		X															

Total Acres: 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5373

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	05E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	20.0
				20.0															

Total Acres: 20

INDUSTRIAL same as IRRIGATIONConditions of Approval:Remarks:

1. General THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS INCORPORATED HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPARTMENT OF WATER RESOURCES. SEE ATTACHED.^^^ RECEIPT NUMBERS ARE W002933 AND W002932.^^^

Comments:Dates and Other Information:

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

DIVERSION
VOLUME

0.500 CFS
0.450 CFS
0.040 CFS

0.500 CFS

0.500 CFS

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

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

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

Stage: STATUTORY CLAIM

BOISE County

NAME	T05N R05E S30
------	---------------

Point(s) of Diversion:

Place of use Legal Description for: IRRIGATION

MIN
NOT REPLY

CS

35

SUM	----	20.0	20.0
-----	------	------	------

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

Place of use Legal Description for: DOMESTIC

三

五

35

POU County: BOISE

Non-Irrigation Uses: D/1 HOME & SHOP

Other Rights: NONE

AJ5809NP
No. A63-05373

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 48

Remarks: GEN

THE DEPOSITION OF GEORGE EMERSON, BOISE COUNTY CASE NO.870 IS INCORPORATED HEREIN BY REFERENCE, A COPY IS FILED WITH THE DEPARTMENT OF WATER RESOURCES. SEE ATTACHED.
RECEIPT NUMBERS ARE W002933 AND W002932.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

DATE: 05/22/01
PAGE: 33

Stage: STATUTORY CLAIM

Water Source: PLACER CREEK

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

Misc: _____
Water District Number: _____
Field Exam Fee: _____

A63-5373

1. Ownership - CM LLC
2. GPS - POD
3. What was the industrial use? mining
4. Measurement? Yes, manning
5. POB - 25" for 20 acres (recommended 1/acre)

Industrial

346992

295705