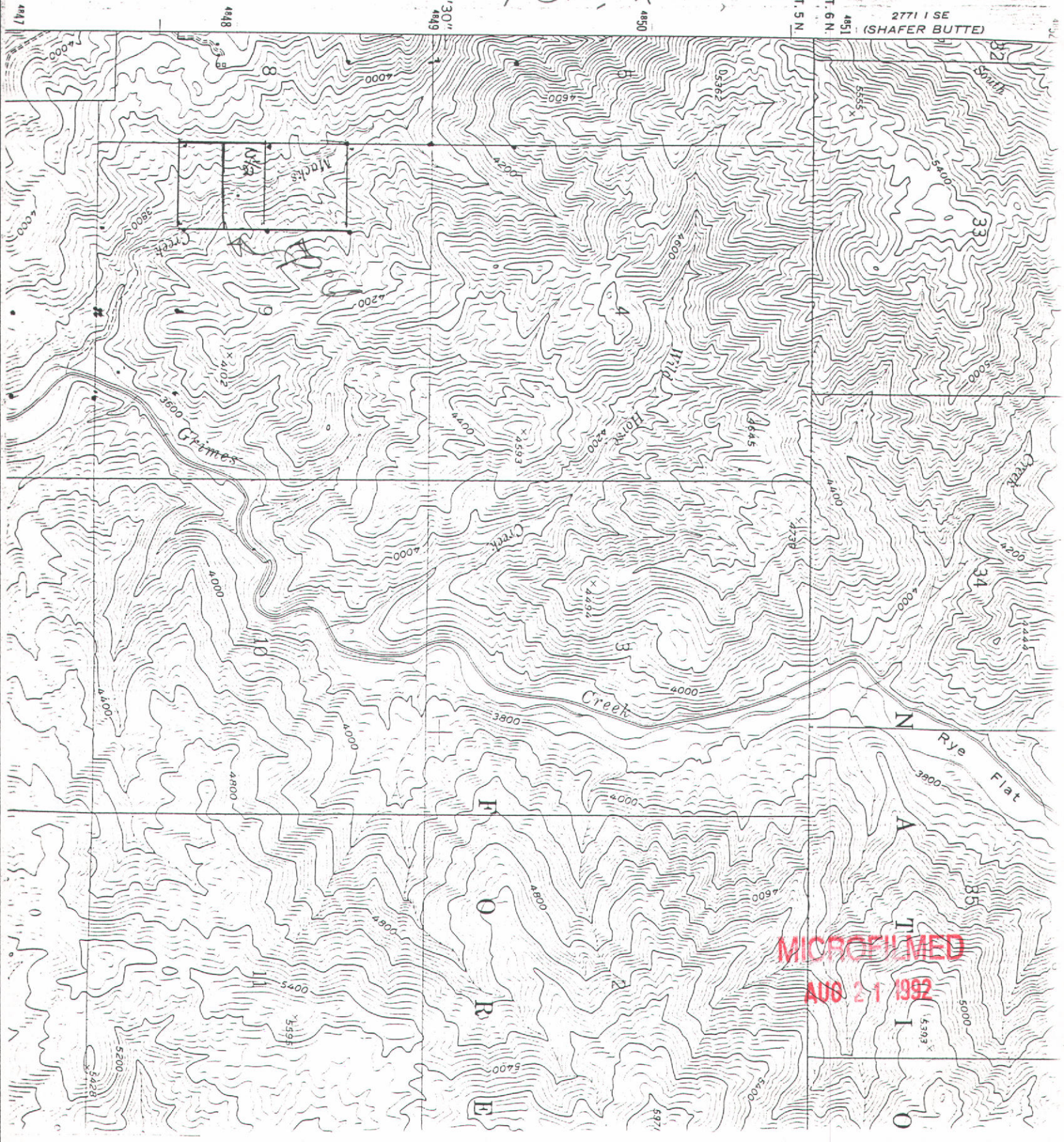


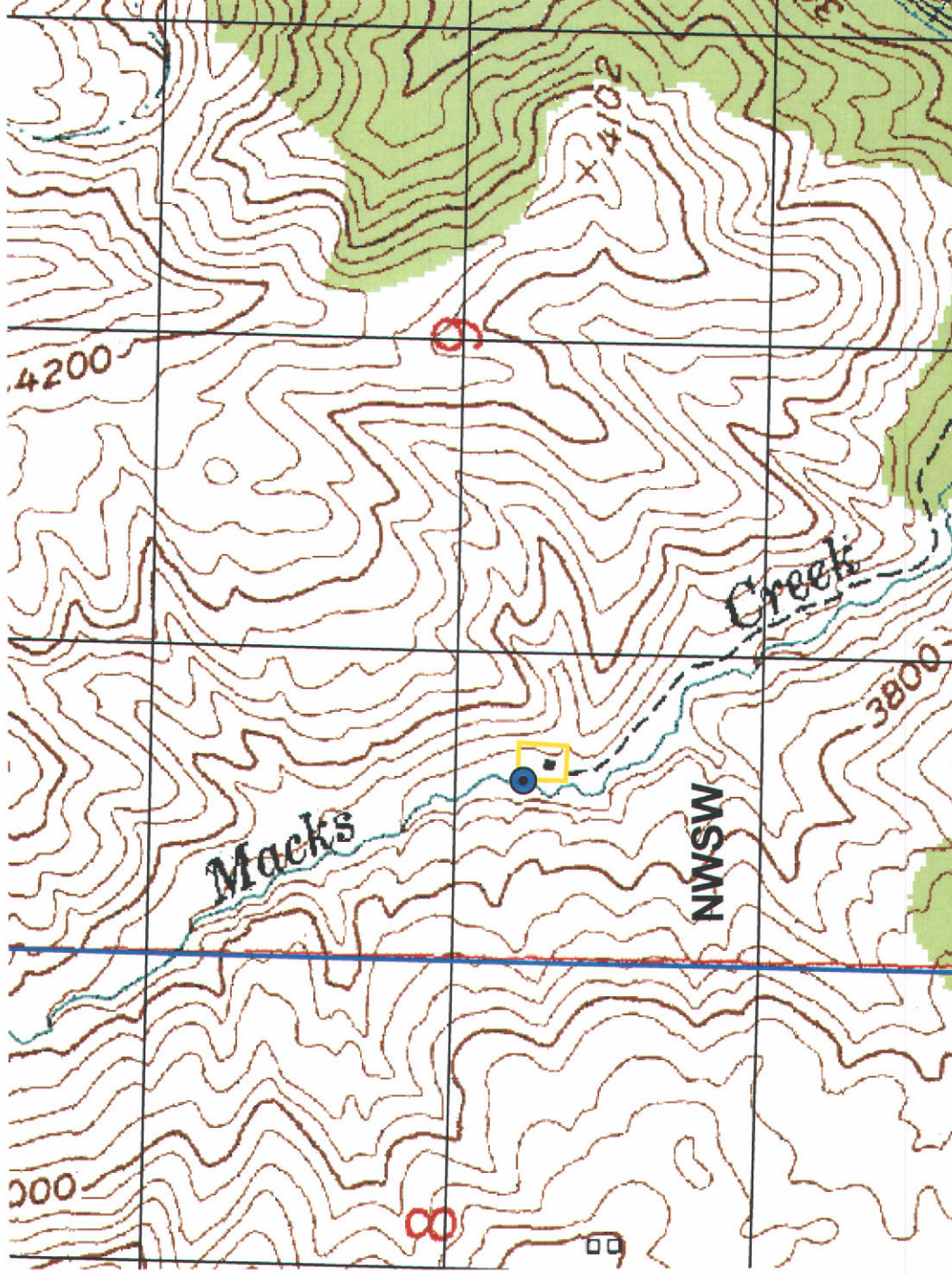
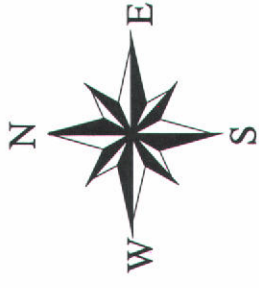
A63-07613
T 5N, R 4E, Sec 9

2771 I SE
(SHAVER BUTTE)



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S9



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

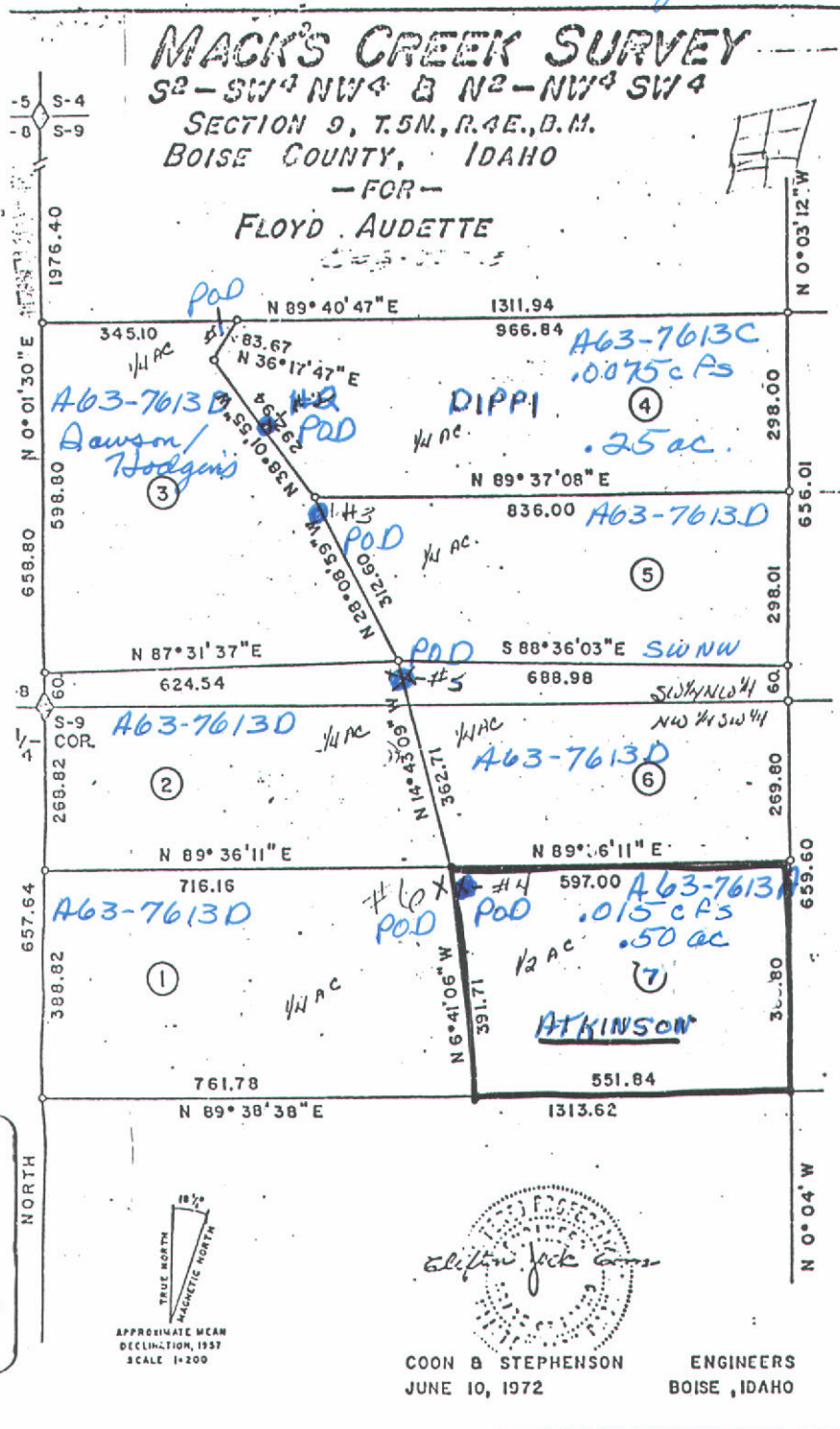
by: Mel Schulte

0 0.25 0.5 0.75 Miles

63-7013 Split as of
August 31, 2001

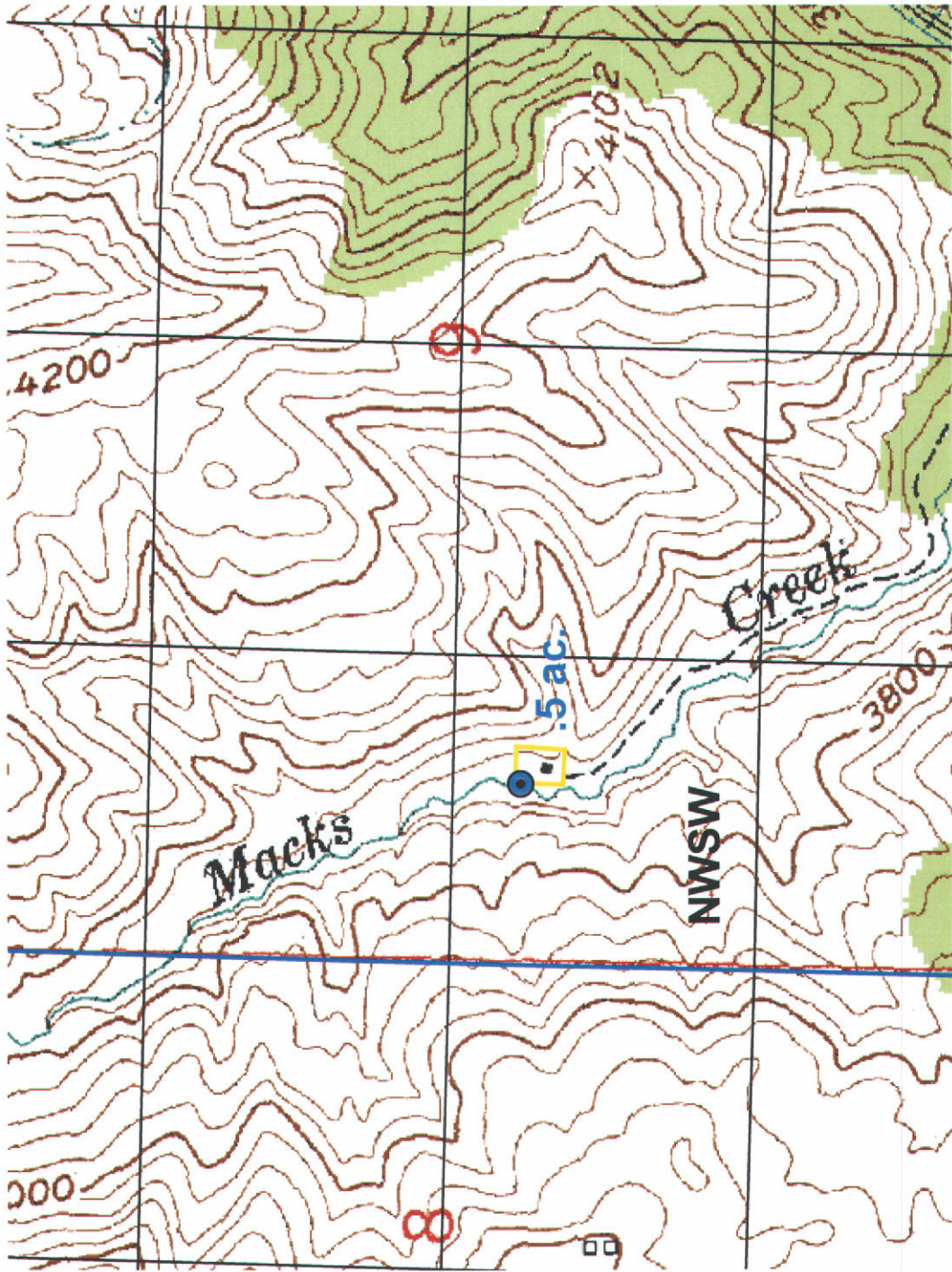
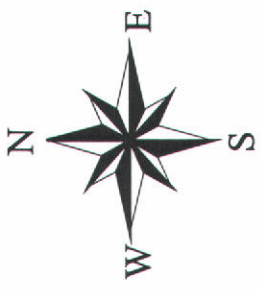
$$\begin{array}{r} A = .015 \text{ cfs} - .5 \text{ ac} \\ C = .0075 - .25 \text{ ac} \\ D = \frac{.0375}{.06 \text{ cfs}} - \frac{1.25 \text{ ac}}{2.0 \text{ ac}} \end{array}$$

POOR ORIGINAL



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S9



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

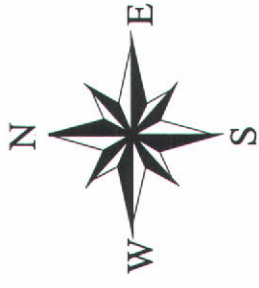
by: Mel Schulte

0 0.25 0.5 0.75 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S9



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

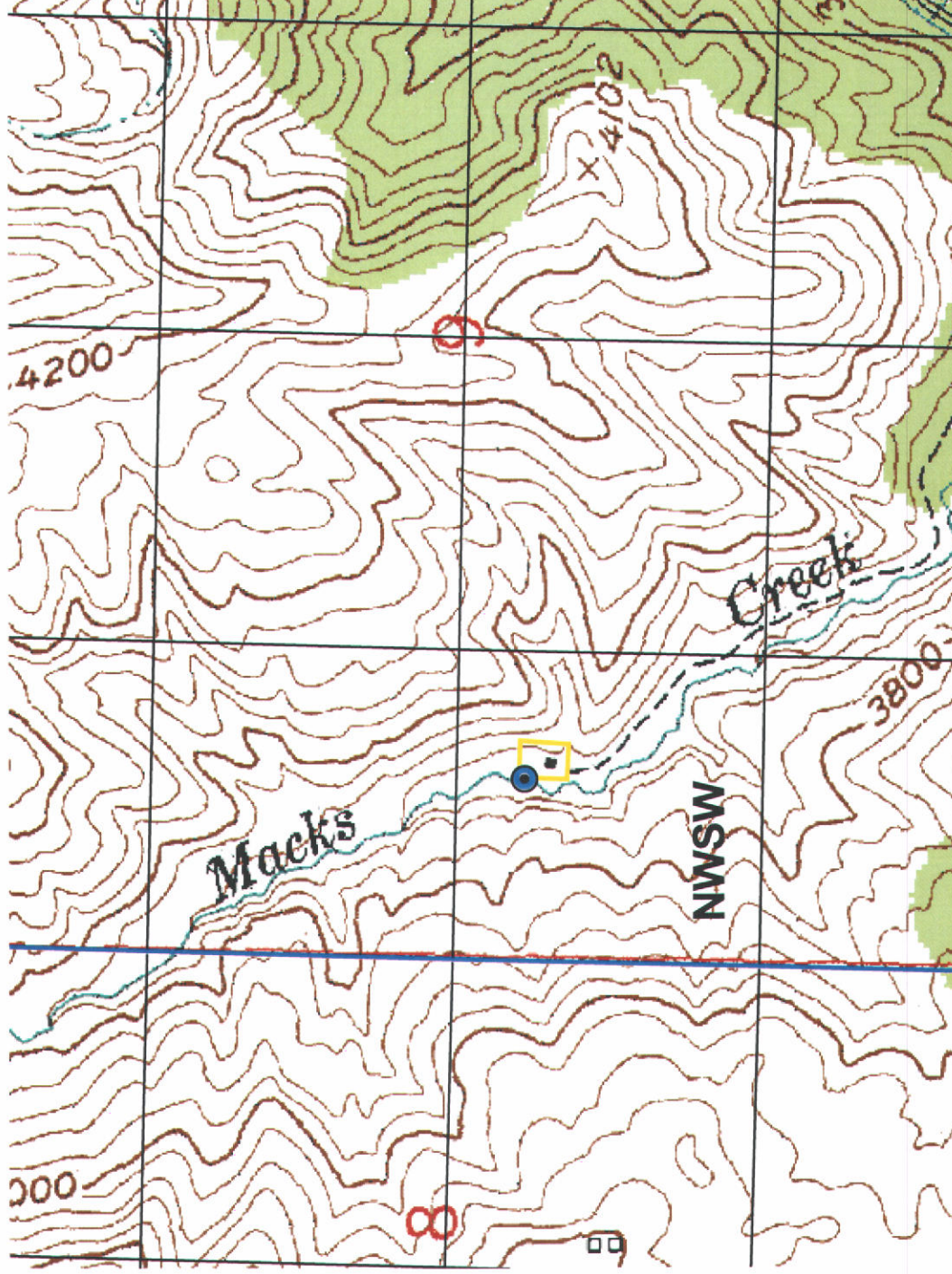
6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

by: Mel Schulte



0.75 Miles

0.5

0.25

0

Mack's

9

PAR legal description
in the file

A63 7613A

CR

80

MACK'S CREEK SURVEY

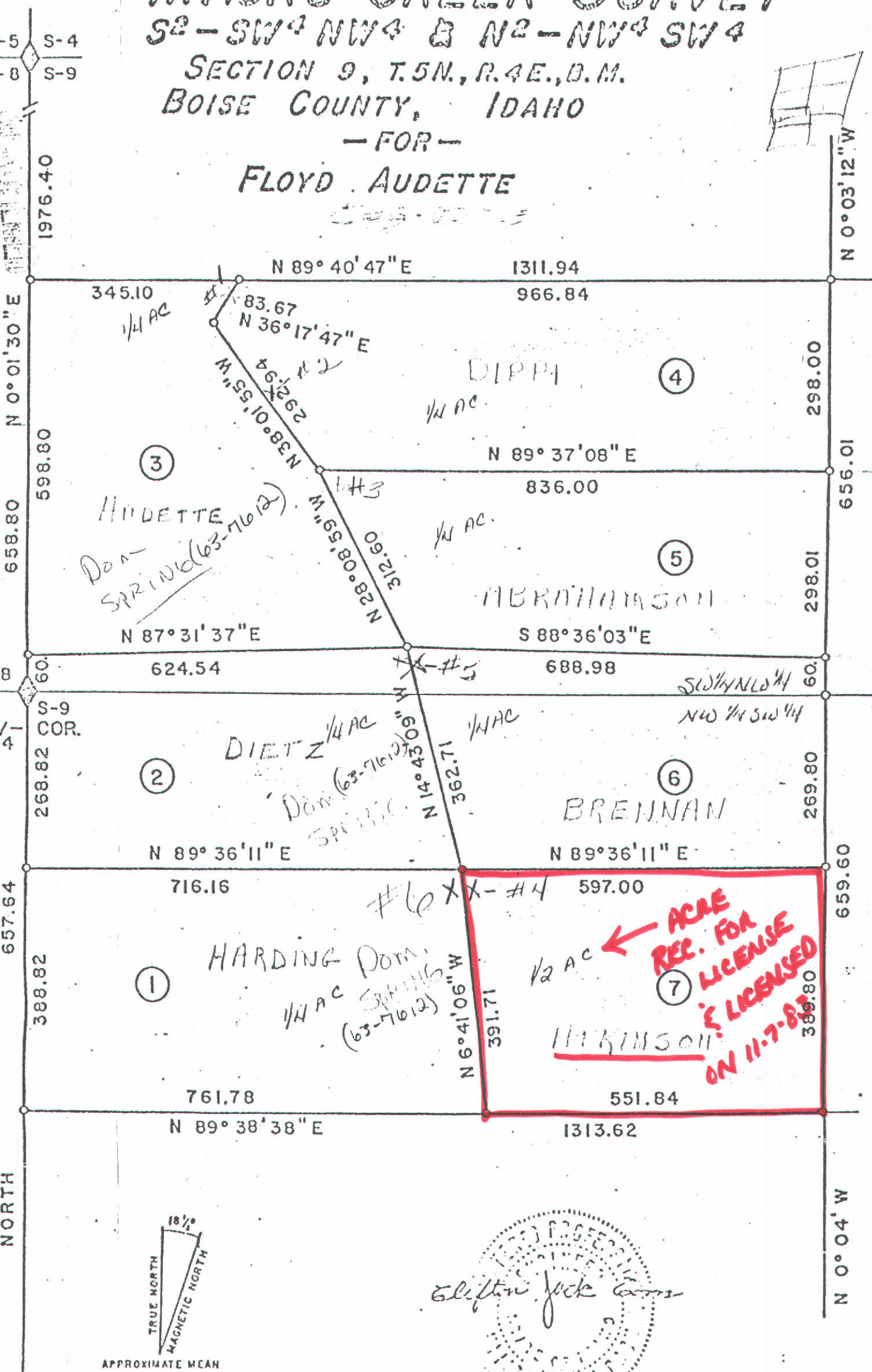
S²-SW⁴ NW⁴ & N²-NW⁴ SW⁴

SECTION 9, T.5N., R.4E., D.M.

BOISE COUNTY, IDAHO

— FOR —

FLOYD AUDETTE



APPROXIMATE MEAN DECLINATION, 1957
SCALE 1"=200'

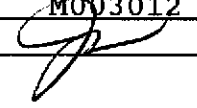
COON & STEPHENSON
JUNE 10, 1972

ENGINEERS
BOISE, IDAHO

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: A63-07613A
Date Received: 11/21/1991
Receipt No: M003012
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. PRESTON ATKINSON 208-344-8884
Address: 2214 W. IDAHO
BOISE ID 83706

2. Date of Priority: JUN 16, 1972

3. Source: MACKS CREEK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04E	9	NW	NW	SW		BOISE
			NW		SW		BOISE

5. Description of diverting works:
1/3 HP PUMP UP TO STOR. TANK, GRAVITY FLOW DOWN TO LAWN AREA.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.015		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04E	9	NW	SW		IRR	0.5
			NW	SW		IRR	0.5

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

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:

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED
AUG 21 1992

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 21 1992

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

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

CIVIL CASE NUMBER 395

Ident. Number: A63-07613
Date Received: 7/14/1989
Receipt No: M003011
Received By: 6/2

WRONG
SHOULD
HAVE BEEN
A PORTION OF
ORIGINAL CHAIN -
COPY ATTACHED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. PRESTON ATKINSON 208-344-8884
Address: 2214 W. IDAHO
BOISE, ID 83706

2. Date of Priority: JUN 16, 1972

3. Source: MACKS CREEK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04E	9	SW	NW			BOISE
			NW	SW			BOISE

5. Description of diverting works:
PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		7.00

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 7.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04E	9	SW	NW		IRR	1.0
			NW	SW		IRR	1.0

Section Acres 2.0

A63-07613

Page 1

Date: 04/19/89

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Total Acres 2.0

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:

4 P/D IN SWNW & 2 P/D IN NWSW, S9, T5N, R4E.

AC. IRR. = .75 IN SWNW & 1.25 AC IN NWSW, S9, T5N, R4E.

___CLAIMANT IS UNSURE AS TO EXACT LOCATION OF POU.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-07613
Date Received: 3/14/1989
Receipt No: M003012
Received By: DRS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLOYD AUDETTE
Address: C/O IDAHO CITY STAGE
BOISE, ID

83706

2. Date of Priority: JUN 16, 1972

3. Source: MACKS CREEK

Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	04E	9	SW	NW			BOISE
			NW	SW			BOISE

5. Description of diverting works:
PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		7.00

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

7.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	04E	9	SW	NW		IRR	1.0
			NW	SW		IRR	1.0

Section Acres 2.0

A63-07613

Page 1

Date: 03/14/89

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

Total Acres 2.0

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:

14. Remarks:

4 P/D IN SWNW & 2 P/D IN NWSW, S9, T5N, R4E.

AC. IRR. = .75 IN SWNW & 1.25 AC IN NWSW, S9, T5N, R4E.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 0

For Individuals:

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

Signature of Claimant(s): Dorothy E. Audette Date: 3-14-89
_____ Date: _____

State of Idaho)
County of Boise) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of March 19 89

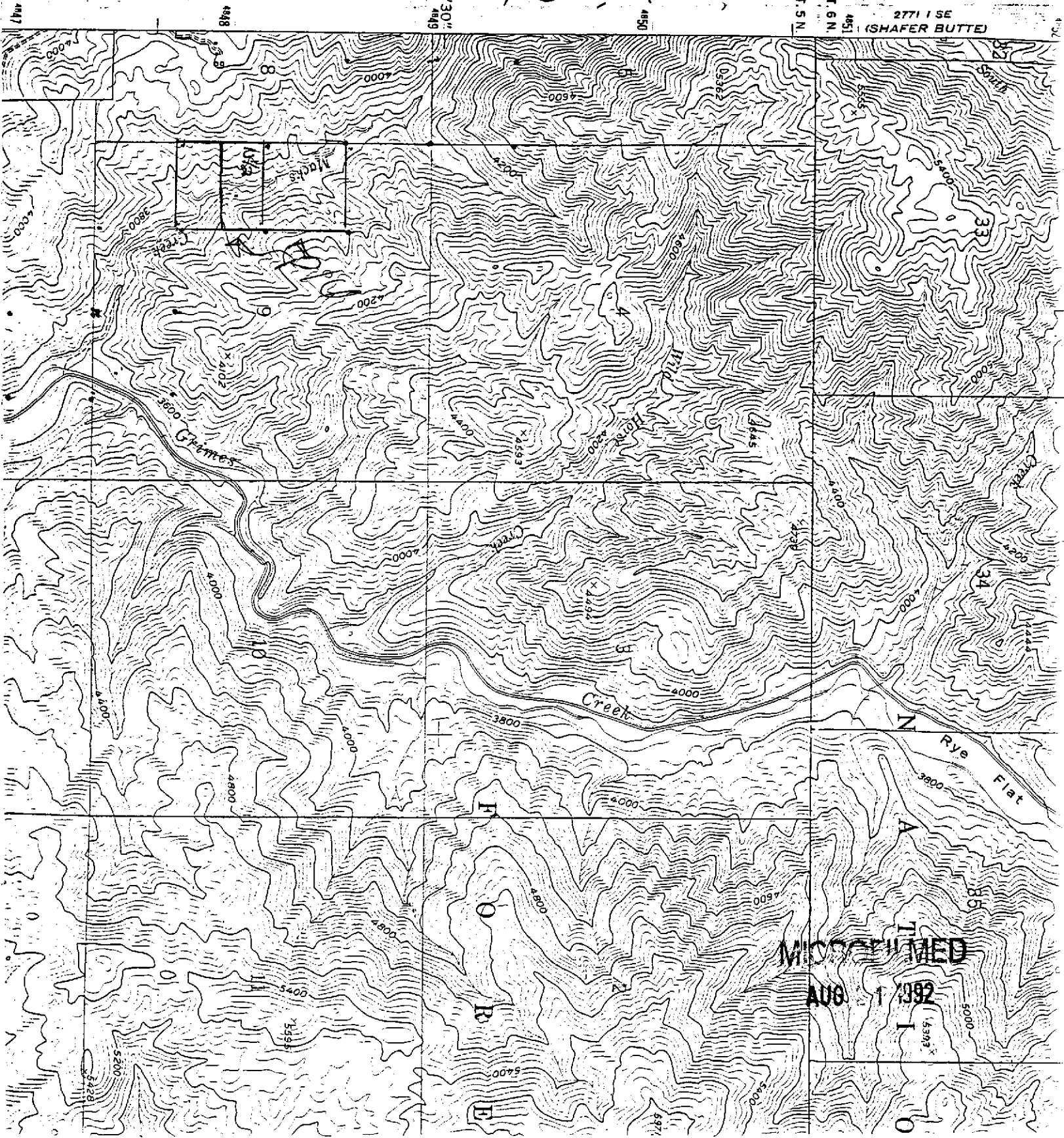
 John Dale Carlson
Notary Public

Seal

Residing at Boise Id
My Commission Expires 6/2/94

A63-07613
T 5N, R 4E, Sec 9

2771' SE
(SHAFFER BUTTE)



1 (\$7,350.00) for said property CONTRACT OF SALE

2 THIS CONTRACT OF SALE entered into this _____ day of _____,
3 and which is hereby acknowledged by the Seller.

4 1972, by and between FLOYD E. AUDETTE and CLAIRE A. AUDETTE, husband
5 and wife, of Ada County, Idaho, hereinafter called Sellers and
6 J. PRESTON ATKINSON of Ada County, Idaho, hereinafter called Buyer;

7 W I T N E S S E T H :

8 WHEREAS, Sellers desire to sell the hereinafter described real
9 property to Buyer, and the Buyer desires to purchase the same under
10 the terms and conditions hereinafter set forth;

11 NOW, THEREFORE, in consideration of the mutual covenants and
12 agreements herein contained, the parties agree as follows:

13 1. OWNERSHIP. The Sellers are the owners of the following
14 described real property located in Boise County, Idaho:

15 That portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 5 N., R. 4 E.,
16 B.M., Boise County, Idaho more particularly described as
17 follows:

18 Commencing at a brass cap marking the one-quarter corner
19 Section 8 and Section 9, T. 5 N., R. 4 E., B.M., Boise
20 County, Idaho, thence South 268.82 feet along the section
21 line common to said Sections 8 and 9 to an iron pin, thence
22 North 89° 36' 11" East 716.16 feet to an iron pin said pin
23 being the real point of beginning, thence North 89° 36'
24 11" East 597.00 feet to an iron pin, thence South 0° 04'
25 0" East 389.80 feet to an iron pin, thence South 89° 38'
26 38" West 551.84 feet to an iron pin, thence North 06° 41'
27 06" West 391.71 feet to the real point of beginning.

(The above area contains 5.14 acres more or less. Course
28 datum used in this description is based on the bearing due
29 North from the Southwest corner of Section 9 to the one-
30 quarter corner Section 8, and Section 9 as recorded by the
31 Bureau of Land Management on the Plat of February 27, 1956.)

32 The Buyer will be responsible for and will pay all of the local prop-
33 erty taxes due on said property for the year 1972, and the
34 total purchase price of Seven Thousand Three Hundred Fifty Dollars

35 CONTRACT OF SALE

-2-

COLLINS & MANLY
ATTORNEYS AT LAW
705 NORTH 8TH STREET - P. O. BOX 2794
BOISE, IDAHO 83701
TELEPHONE (208) 345-2811

1 (\$7,350.00) for said property in the following manner:
2 taxes and A. \$100.00 upon the execution of this Agreement, rec
3 of which is hereby acknowledged by the Sellers.

4 B. The sum of \$7,250.00 shall be paid in cash to th
5 Sellers at the time when the Sellers deliver a good and suffici
6 warranty deed, along with a purchaser's policy of title insuran
7 showing title to said property free and clear of all liens and
8 cumbrances, except taxes and assessments for the year 1972, to
9 vested solely in the name of the Sellers.

10 3. TITLE IN SELLERS' NAME. Both parties understand that
11 exists a Deed of Trust on the real property, Book 27 of Mortgag
12 Page 168, Instrument No. 77332, records of the county recorder
13 Boise County, Idaho. In this respect, the Sellers will bear al
14 the expenses, legal and otherwise, necessary for the reconveyan
15 and release of the Deed of Trust.

16 The Sellers further agree that they will pursue all of the
17 essary legal steps to accomplish the reconveyance and release o
18 the Deed of Trust into their name in a diligent manner and agre
19 deliver said warranty deed and said policy of title insurance s
20 ing them to be the sole owners of said property on or before th
21 15th day of August, 1972. he within instrument and shall be
22 ne that they executed the same.

23 4. TAXES & LIENS. The Buyer agrees that in the event sai
24 property is transferred to him by said warranty deed and said p
25 of title insurance is delivered to him on or before August 15,
26 the Buyer will be responsible for and will pay all of the real
27 erty taxes due on said property for the year 1972. The Seller,

1 ever, agrees to be responsible for and shall pay all real estate
2 taxes and any other liens and encumbrances due and payable on said
3 property for the year 1971 and all preceding years.

4 **5. BINDING ON HEIRS.** The parties agree this agreement shall
5 be binding on all of the heirs and assigns of the parties hereto.

6 IN WITNESS WHEREOF, the parties hereto have hereunto set their
7 hands and seals the day and year first above written.

8 SELLERS

9
10 /s/ Floyd E. Audette
11 Floyd E. Audette

12
13 /s/ Claire A. Audette
14 Claire A. Audette

15 BUYER

16 /s/ J. Preston Atkinson
17 J. Preston Atkinson

18 STATE OF IDAHO)
19 : ss.
20 County of Ada)

21 On this ____ day of July, 1972, before me, a Notary Public in
22 and for said State, personally appeared FLOYD E. AUDETTE and CLAIRE
23 A. AUDETTE, husband and wife, known to me to be the persons whose
24 names are subscribed to the within instrument, and acknowledged to
25 me that they executed the same.

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

29
30 Notary Public for Idaho
31 Residing at Boise, Idaho

32 CONTRACT OF SALE

1 STATE OF IDAHO)

: ss.

2 County of Ada)

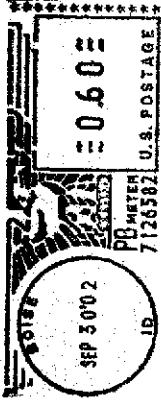
3 On this 10th day of July, 1972, before me, a Notary Public
4 and for said State, personally appeared J. PRESTON ATKINSON, kn
5 to me to be the person whose name is subscribed to the within i
6 strument and acknowledged to me that he executed the same.

7
8 IN WITNESS WHEREOF, I have hereunto set my hand and affixe
9 official seal the day and year in this certificate first above
10 written.

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Notary Public for Idaho
Residing at Boise, Idaho

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



TURN TO
TO
SENDER
UNDELIVERABLE AS ADDRESSED—
NO FORWARDING ORDER ON FILE

63-7613A

RECEIVED
OCT 17 2002
Department of Water Resources

J PRESTON ATKINSON
2214 W IDAHO ST
BOISE ID 83706

RECEIVED

OCT 22 2002
WATER RESOURCES
WESTERN REGION

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NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER



nothing found



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 27, 2002

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

Dear Water Right Claimant(s):

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

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

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

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

Sincerely,

Karl J. Dreher
Director

Enclosures

09/24/2002

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

RIGHT NUMBER: 63-7613A

NAME AND ADDRESS: J PRESTON ATKINSON
2214 W IDAHO ST
BOISE ID 83706

SOURCE: MACKS CREEK

TRIBUTARY: GRIMES CREEK

QUANTITY: 0.015 CFS
1.75 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7.0 AF. COMBINED RIGHT NOS.: 63-7613C & 63-7613D.

PRIORITY DATE: 06/16/1972

POINT OF
DIVERSION: T05N R04E S9 NWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.015 CFS 1.75 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S09 NWSW 0.5

0.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 63-7613C & 63-7613D

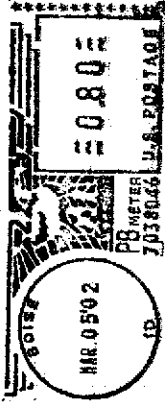
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

DEPARTMENT OF WATER RESOURCES
WASHINGTON FIELD OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED



RECEIVED

MAR 14 2002

WATER RESOURCES
WESTERN REGION



J PRESTON ATKINSON
2214 W IDAHO
BOISE ID 83706

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*to find by
Boise City Assessor*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2002

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a printout showing our preliminary recommendation for reporting your claim(s) to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the printout you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your claim(s) is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meetings will be held on Tuesday, March 19, 2002, at 7:00 p.m. in the Mountain Home Senior Citizens Center, 1000 N. 3rd E., Mountain Home, Idaho and Thursday, March 21, 2002 at 7:00 p.m. in the Ray Robison Memorial Community Hall, 206 W. Commercial St., Idaho City, Idaho.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right claim. Please bring any and all information you have which will help the Department understand your claim(s) and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

02/28/2002

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-7613A

J PRESTON ATKINSON

2214 W IDAHO

BOISE ID 83706

Telephone Number: (208)344-8884

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

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

02/28/2002

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

RIGHT NUMBER: 63-7613A

NAME AND ADDRESS: J PRESTON ATKINSON
2214 W IDAHO
BOISE ID 83706

SOURCE: MACKS CREEK

TRIBUTARY: GRIMES CREEK

QUANTITY: 0.015 CFS
1.75 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7.0 AF. COMBINED RIGHT NOS.: 63-7613C & 63-7613D.

PRIORITY DATE: 06/16/1972

POINT OF DIVERSION:

T05N R04E S9 NWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.015 CFS 1.75 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S09 NWSW 0.5

0.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 63-7613C & 63-7613D

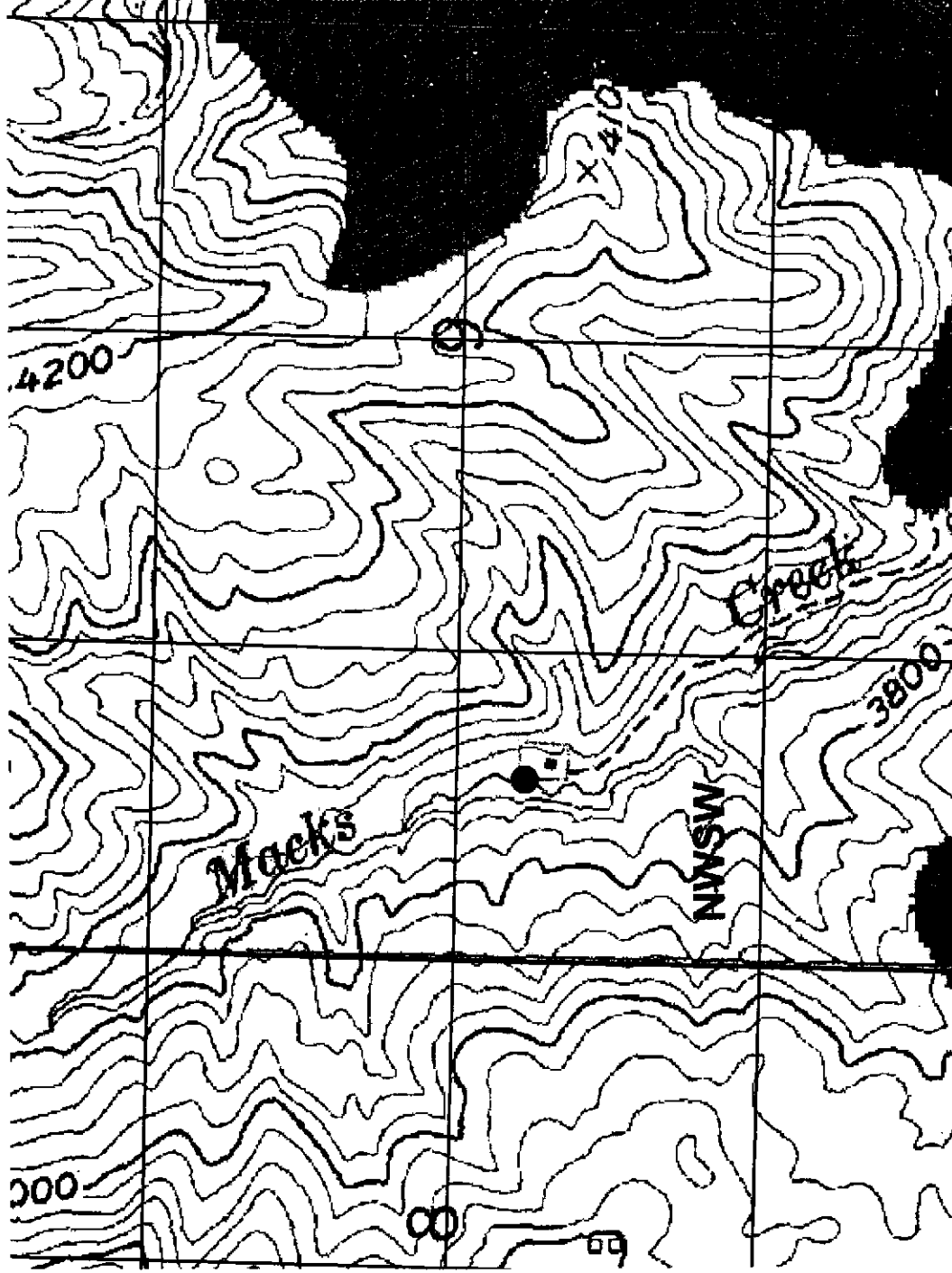
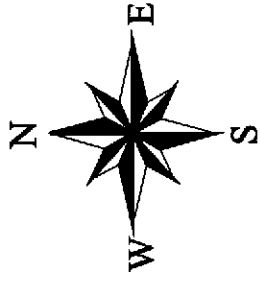
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S9



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

by: Mel Schulte

02/12/2002

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

RIGHT NUMBER: 63-7613A

NAME AND ADDRESS: J PRESTON ATKINSON
2214 W IDAHO
BOISE ID 83706

SOURCE: MACKS CREEK

TRIBUTARY: GRIMES CREEK

QUANTITY: 0.02 CFS
1.8 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7.0 AF. COMBINED RIGHT NOS.: 63-7613C & 63-7613D.

PRIORITY DATE: 06/16/1972

POINT OF DIVERSION:

T05N R04E S9 NWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.015 CFS 1.75 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S09 NWSW 0.5

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 63-7613C & 63-7613D

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

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

EXPLANATORY MATERIAL: License

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

CLAIM NO(s). A63-7613A

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: Ownership may have changed.
☒ 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: License = 6-16-1972.
(If the priority date, based on your exam, seems questionable, explain below.)

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:

As claimed

6. ☐ No Change - WATER USES

☐ Different uses, (list uses found):

Use Irrigation From 3-15 To 11-15 Amount .015 CFS 1.75 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 1.75 AFA added.

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

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

Use: _____ 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

POU is .5 acres total - see splits on
attached plat map.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☒ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Mel Schulte
Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7613

WATER RIGHT NUMBER: 63-7613

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLOYD AUDETTE C/O IDAHO CITY STAGE BOISE, ID 83706

Priority Date: 06/16/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MACKS CREEK	GRIMES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.060 CFS	7.00 AF
	<u>Total Diversion:</u>	0.060 CFS	7.00 AF

Location of Point(s) of Diversion

MACKS CREEK	SW1/4NW1/4	Sec. 9,	Twp 05N,	Rge 04E, B.M.
BOISE County				
MACKS CREEK	NW1/4SW1/4	Sec. 9,	Twp 05N,	Rge 04E, B.M.
BOISE County				

Place of UseIRRIGATION Within BOISE County

T05N R04E S09 SWNW 1.0 T05N R04E S09 NWSW 1.0

Total Acres: 2

Conditions of Approval:

- 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

Remarks:

- General 4 P/D IN SWNW & 2 P/D IN NWSW, S9, T5N, R4E.^^^ AC. IRR. = .75 IN SWNW & 1.25 AC IN NWSW, S9, T5N, R4E.^^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7613

Dates and Other Information:

Licensed Date: 11/7/1983
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

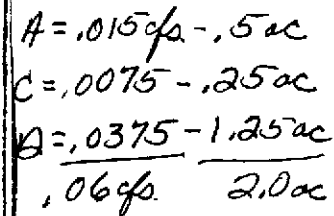
Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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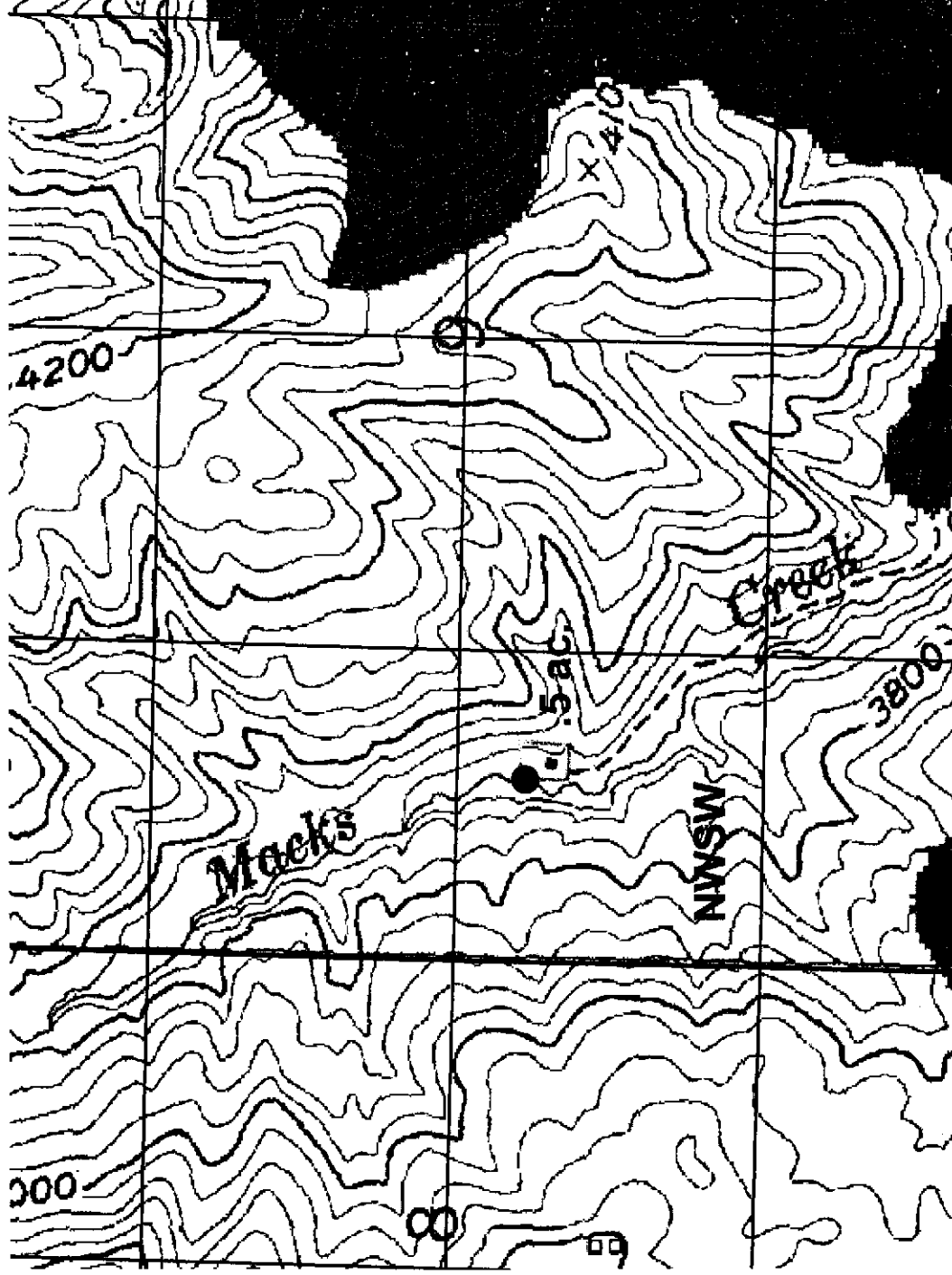
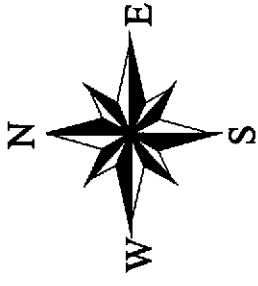
63-7613 Split as of
August 31, 2001



POOR ORIGINAL

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S9



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

by: Mel Schulte

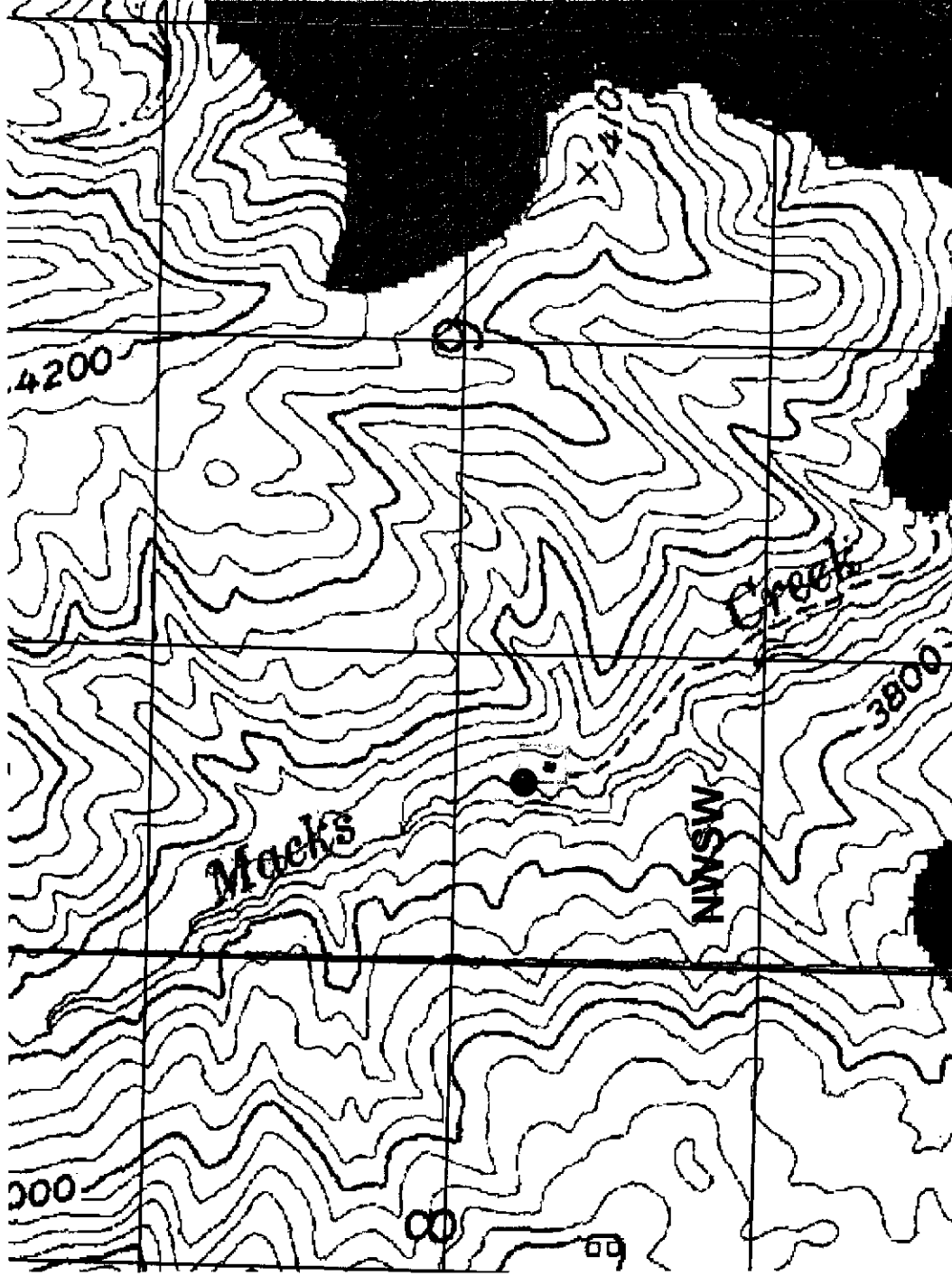
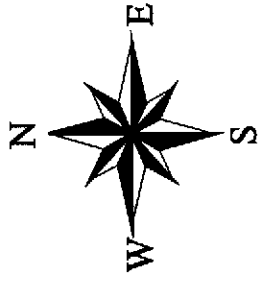
0.75 Miles

0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S9



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-07613A

OWNER(S): ATKINSON, PRESTON

DATE: AUGUST 31, 2001

by: Mel Schulte

Stack 5

6

For Regat-Description
in the file

463-76134

11/11/54

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7613A

WATER RIGHT NUMBER: 63-7613A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J PRESTON ATKINSON 2214 W IDAHO BOISE, ID 83706 (208)344-8884

Priority Date: 06/16/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MACKS CREEK	GRIMES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.015 CFS	1.75 AF
	<u>Total Diversion:</u>	0.015 CFS	

Location of Point(s) of Diversion

MACKS CREEK	NW1/4SW1/4	Sec. 9, Twp 05N, Rge 04E, B.M.
BOISE County		

~~MACKS CREEK~~	~~NW1/4SW1/4~~	~~Sec. 9, Twp 05N, Rge 04E, B.M.~~
~~BOISE County~~		

Place of UseIRRIGATION Within BOISE County

T05N R04E S09 NWSW 0.5

Total Acres: 0.5

Conditions of Approval:Remarks:

- General THIS CLAIMS IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A63-07613, FEE PAID UNDER RECEIPT NO. M003012.^^ JS 11-21-91

Comments:Dates and Other Information:

C18 + 53

POU

QNT

with splits
with splits

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7613A

Dates and Other Information:

Claim Received Date: 11/21/1991
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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-0082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

*COPY
FOR A63-07613A*

November 21, 1991

J. Preston Atkinson
2214 W. Idaho
Boise, ID 83706

Dear Mr. Atkinson:

Enclosed is a computer generated copy of Claim No. A63-07613A which is your portion of the original claim submitted by Floyd Audette on Claim No. A63-07613.

During a review of this claim, it came to our attention that you purchased only a portion of this right rather than the entire right. The existing license for this right covered Lots 1 thru 7 of Mack's Creek Survey for a total of 2 acres of irrigation. Lot 1, 2, 3, 4, 5 and 6 were each for 1/4 acre of irrigation. Your Lot 7 was for 1/2 acre of irrigation, therefore, only 1/2 acre can be split off of this right in your name. Although you own 5.14 acres of land, only the acres being irrigated at the time of our field exam on this original right were licensed. The remaining 1.5 acres is now under Claim No. A63-07613B in the name of Floyd Audette. Please see attached copy of the field exam conducted with acres noted in red on last page.

If you have any questions concerning this Claim No. change, please feel free to contact this office.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section

JS:j
Enclosure

MICROFILMED

AUG 21 1992

MACKS CREEK SURVEY

A portion of S² SW⁴ NW⁴ -- N² NW⁴ SW⁴, Section 9, T5N, R4E, B.M. Boise County, Idaho.

LOT #7

A survey and description of a portion of the N² NW⁴ SW⁴ Section 9, T5N, R4E, B.M. Boise County, Idaho. Description as follows, to-wit:

Description of Lot #7

Commencing at a brass cap marked one-quarter corner Section 8 and Section 9, T5N, R4E, B.M., thence South 268.82 feet along the West Section line to an iron pin, thence North 89° 36' 11" East 716.16 feet to an iron pin said pin being the point of beginning, thence North 89° 36' 11" East 597.00 feet to an iron pin, thence South 0° 04' 0" East 389.80 feet, thence South 89° 38' 38" West 551.84 feet to an iron pin, thence North 06° 41' 06" West 391.71 feet to the point of beginning.

The above area contains 5.14 acres more or less, and belongs to Floyd Audette. Course datum used in this description is based on the bearing due North from the Southwest corner of Section 9 to the one-quarter corner Section 8, and Section 9 as recorded by the Bureau of Land Management on the Plat of February 27, 1956.

MICROFILMED

AUG 21 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

63-7612
Permit No.

CONTACT WITH PERMIT HOLDER

DATE	INITIALS	REMARKS
------	----------	---------

- ☐ Appointment letter mailed: _____
- ☐ Telephone call made: _____
(List Telephone No. used) _____
- ☐ Appointment scheduled for: 7/30/82 js
(Date, time, location) 10:00

EXAMINATION

Date 7/30/82 Accompanied by MR. PIPPI Total Q measured CALCULATED

If source is surface water, estimate total flow of source

Methods of measurement CALCULATED Meets Permit requirements? ☒

Measurement calculations:

6 IRRIG. USES - $6(1/4 \text{ ACRES}) + 1(1/2 \text{ AC}) = 2 \text{ ACRES} \times .03 = \underline{0.06 \text{ c/w}}$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
1	3	BRIGGS & STRATTON	COLLONN & SEE	SAME	—	—	—	GAS Power
2	3	BRIGGS & STRATTON	78730	SAME	—	—	—	GAS Power
4-3	3	BRIGGS & STRATTON	COLLONN & SEE	SAME	—	—	—	GAS Power

System Description #1 3 HP B+S MOTOR, GASOLINE POWERED, 1/3" MAINLINE FROM CREEK TO GARDEN. PL. OF USE. PUMP DOWN APPROX. 9-10'. #2 3 HP B+S MOTOR, GAS, 1/3" MAINLINE TO SMALL BENCH AREA (LAWN). #3 3 HP B+S MAINLINE TO LAWN (1/4 AC). #4 Jacuzzi 13 HP MOTOR, 1/2" GENERATOR SET 10' DOWN IN GRAVEL PACK APPROX. 30' FROM CREEK. PUMPED UP 125 TO 40 GAL. STORAGE TANK & GRAVITY FLOW TO LAWN AREA (1/2 AC). #5 3 HP B+S GAS POWERED, MAINLINE TO LAWN (1/2 AC). #6 1/2 HP. HCNELITE PUMP W/12' OF PIPE (1/2") TO LAWN (1/4 AC). 1/2" INLET (2" IN PACKS) PIPE.

*Code with map on reverse side. ^(Private Marks) Disregard code if only one.

RECOMMENDED AMOUNTS

USE

IRRIGATION - 2 AC

Irrigation requirement = 3.5 AFA/Acre

Q (cfs)

Y (afa)

FROM

TO

0.06 ch

7.0

3/15

11/15

Total

0.06 c/v

2.0

3/15

11/15

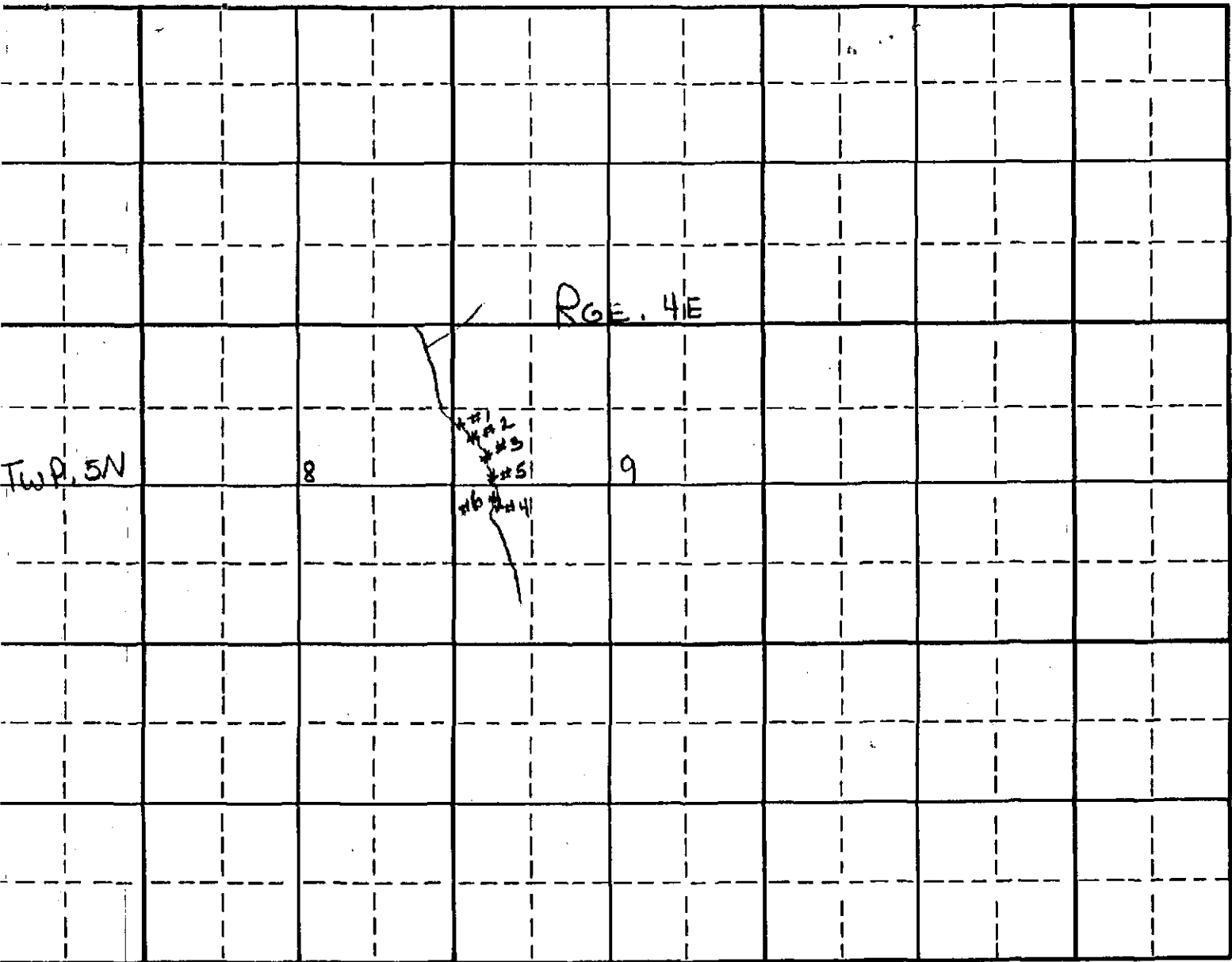
Remarks EACH DIFFERENT USE HAD THEIR OWN SYSTEM. ALL WERE VERY SMALL SYSTEMS W/LESS THAN 1/3 ACRE OF IRRIGATION. THEREFORE, EACH USE WAS CALCULATED.

4. Jacuzzi- 1/3 HP- SERIAL # 907389797. - GENERATOR

5.3 HP BRIGGS & STRATTON-GAS POWERED

6. HOMELITE PUMP - 1 1/2 HP - SERIAL # 11187324 - GAS POWERED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

(4 PTS)
 Point(s) of diversion: SW¹/₄NW¹/₄, SEC. 9, TWP. 5N, RGE. 4E, B.M.
 NW¹/₄SW¹/₄ (2 PTS), SEC. 9, TWP. 5N, RGE. 4E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5N	4E	9							3/4			1/4							2
																			2

Recommended Amendments:

Change P.D. as reflected above
 Change P.U. as reflected above

☒ Add P.D. as reflected above
☐ Add P.U. as reflected above

☐ None
☐ Other

Examiner's Signature: John G. [Signature]
 Checked by: DBS
 Approved by: [Signature]

Date: 1/14/83
 Date: 1/19/83
 Date: 6/24/83

MACK'S CREEK SURVEY

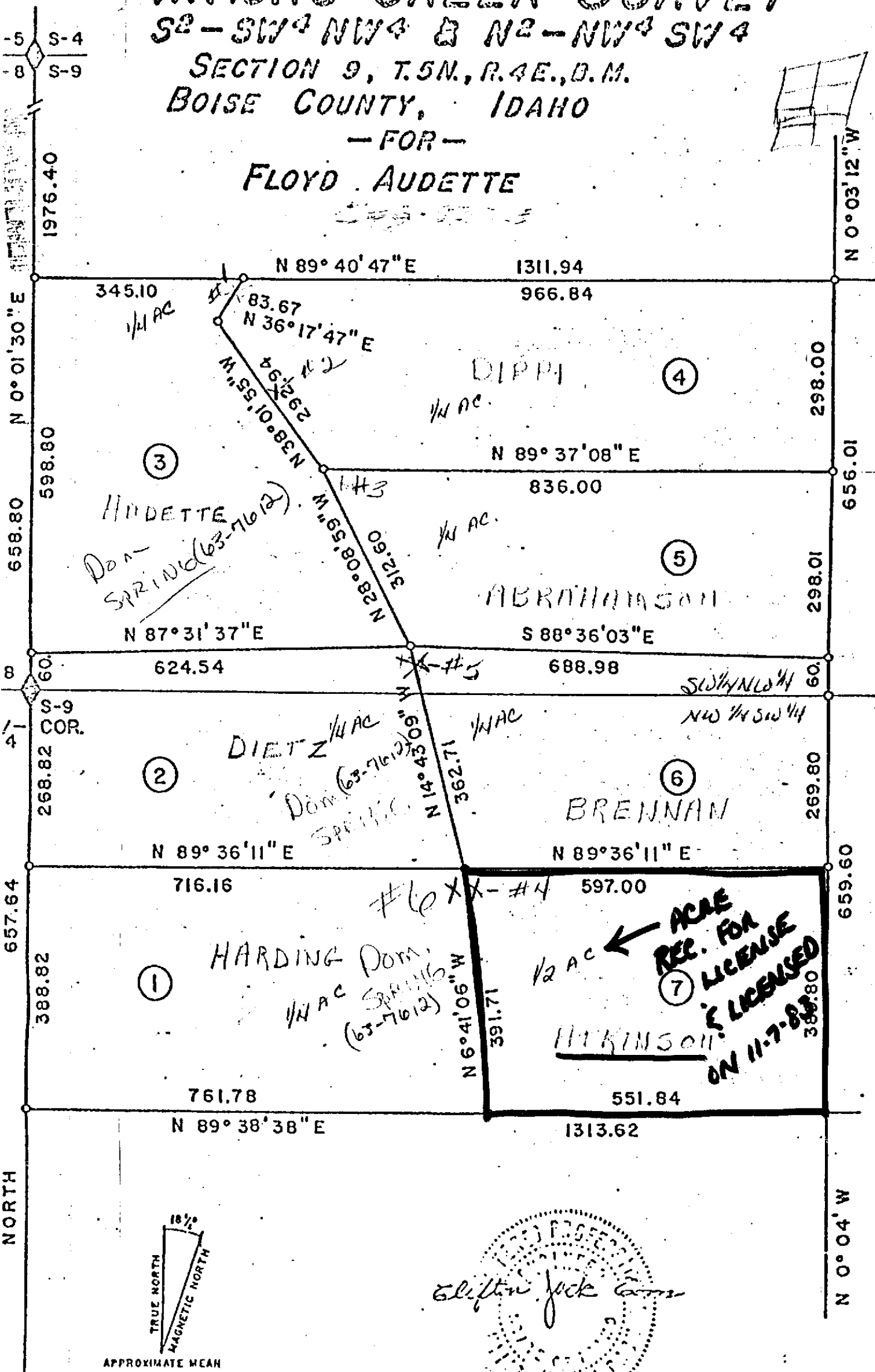
S²-SW⁴ NW⁴ & N²-NW⁴ SW⁴

SECTION 9, T.5N., R.4E., D.M.

BOISE COUNTY, IDAHO

- FOR -

FLOYD AUDETTE



COON & STEPHENSON
JUNE 10, 1972

ENGINEERS
BOISE, IDAHO