

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S33



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15094

OWNER(S): ALLEN, ROBERT & GAIL

DATE: NOVEMBER 5, 2001

by: Mel Schulte

0.75 Miles

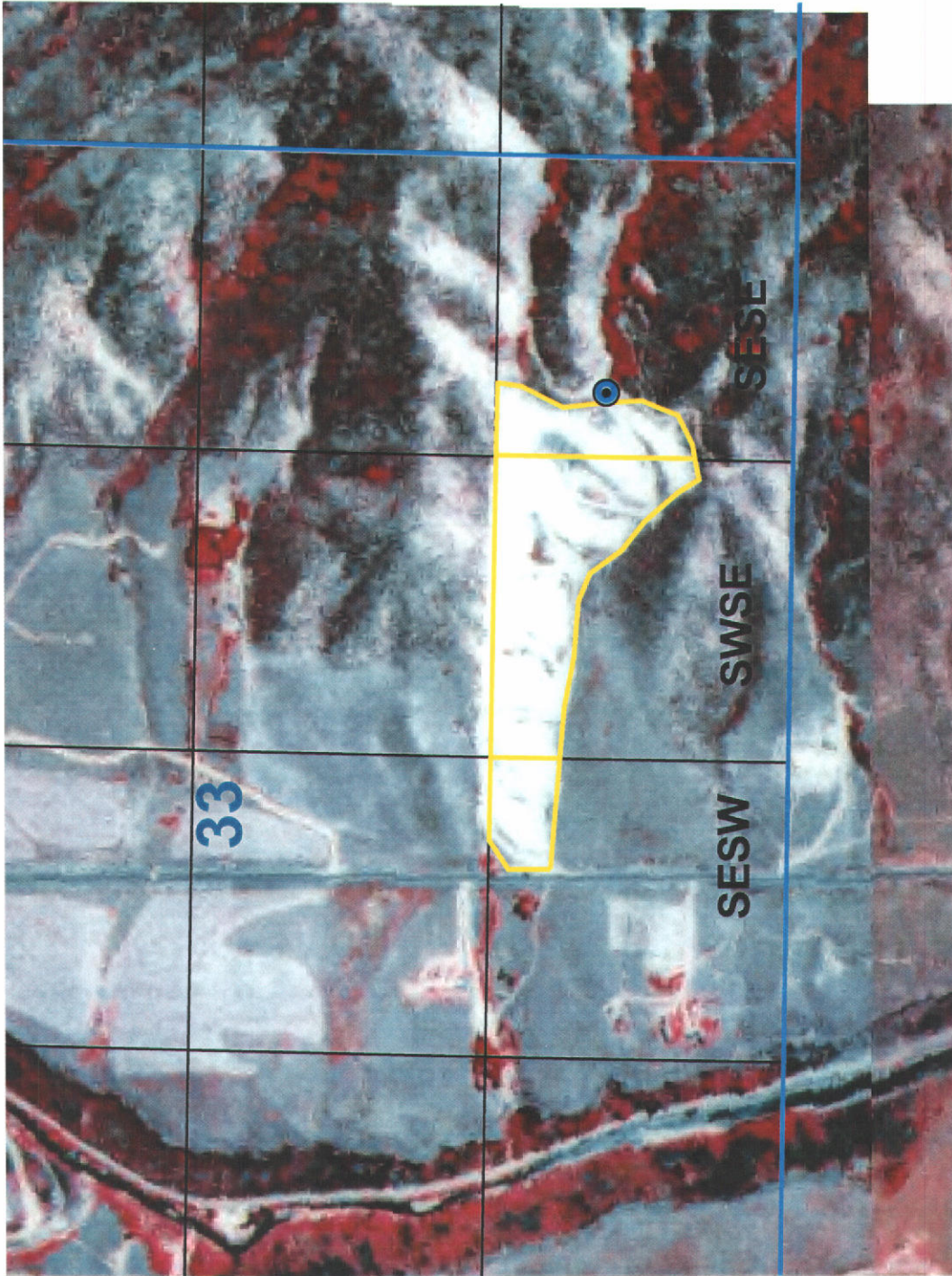
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S33



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

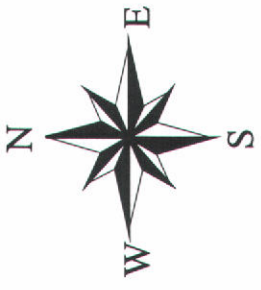
6 SECTION NUMBERS

CLAIM(S): 63-15094

OWNER(S): ALLEN, ROBERT & GAIL

DATE: NOVEMBER 5, 2001

by: Mel Schulte



A63-15094

PHOTOS TAKEN 8/15/2001



PHOTO #1
POD SITE



PHOTO #2
POU AREA LOOKING
WEST FROM HILL TO
THE EAST

A63-15094

PHOTOS TAKEN 8/15/2001



PHOTO #3
UPSTREAM MANNINGS
SITE



PHOTO #4
DOWNSTREAM
MANNINGS SITE

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: A63-15094
Date Received: 3/ 7/1989
Receipt No: W002362
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ROBERT P ALLEN
Address: 14 ALLEN LN
BOISE ID 83716
208-342-4451
AND
Name: GAIL G ALLEN
Address: 14 ALLEN LN
BOISE ID 83716
208-342-4451
2. Date of Priority: JUN 1, 1912
3. Source: UNNAMED STREAM Trib. to: MORES CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	33	SE	SE			BOISE
5. Description of diverting works:
CULVERT IN CREEK W/HEADGATE TO DITCH TO FLOOD IRRIG. OR SPRINKLR
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.460		
STOCKWATER	01/01	12/31	0.030		
7. Total Quantity Appropriated is:
0.490 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
S/100 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	33	SE	SW		IRR	4.0
			SW	SE		IRR	15.0
			SE	SE		IRR	4.0
Section Acres							23.0
Total Acres							23.0

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:
STOCK WATER FROM STREAM AND DITCHES.
OWNERSHIP CHANGED BY DB 8/31/98.

15. Basis of Claim: BENEFICIAL USE

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: A63-15094
Date Received: 3/07/1989
Receipt No: W002362
Received By: ETR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE R. STEWART 208-362-0073
Address: 8110 S. COLE
BOISE, ID 83709

2. Date of Priority: JUN 01, 1912

3. Source: UNNAMED STREAM Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	33	SE	SE			BOISE

5. Description of diverting works:
CULVERT IN CREEK W/HEADGATE TO DITCH TO FLOOD IRRIG. OR SPRINKLR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.460		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	33	SE	SW		IRR	4.0
			SW	SE		IRR	15.0

A63-15094

Page 1

Date: 03/07/89

MICROFILMED

AUG 24 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	33	SE	SE	IRR	4.0
Section Acres						23.0
Total Acres						23.0

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:
STOCK WATER FROM STREAM AND DITCHES.

15. Basis of Claim: BENEFICIAL USE

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): J.R. Stewart Date: 3/7/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of Mar 19 89 Elda J. Pouch
Notary Public

Seal

Residing at Boise
My Commission Expires 09/09/1999

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-15094

2004 AUG 16 PM 1:55
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GAIL G ALLEN
ROBERT P ALLEN
14 ALLEN LN
BOISE, ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: MORES CREEK

QUANTITY: 0.49 CFS

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

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T04N R04E S33 SESE Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.46 CFS
	Stockwater	01-01 TO 12-31	0.03 CFS

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE
WATER DISTRICT 63 WATER MASTER AND ONLY WHEN WATER IS BEING
RELEASED FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY
PEAK DAM OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE
MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY
AND THE U.S. DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL
OPERATIONS OF THE BOISE RIVER RESERVOIRS, DATED NOVEMBER 20,
1953, THE WATER CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED
APRIL 1985 AND ANY FUTURE AMENDMENTS OR REVISIONS MADE THERE TO
PURSUANT TO STATE OR FEDERAL PROCEDURES OF LAW; PROVIDED THAT
ANY SUCH USE OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER
OCTOBER 31 SHALL BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN
LUCKY PEAK RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA
CASE NO. 39576.

PLACE OF USE: Irrigation Within Boise County
T04N R04E S33 SESW 3.0 SWSE 15.0
SESE 5.0
23.0 Acres Total

Stockwater Within Boise County
Same as Irrigation

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

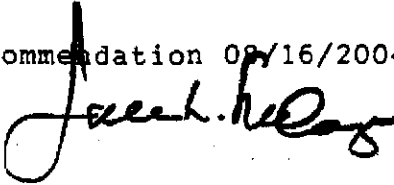
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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

RULE 54(b) CERTIFICATE

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

Recommendation 08/16/2004



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

08/12/2003

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

RIGHT NUMBER: 63-15094

NAME AND ADDRESS: GAIL G ALLEN
14 ALLEN LN
BOISE ID 83716

ROBERT P ALLEN
14 ALLEN LN
BOISE ID 83716

SOURCE: UNNAMED STREAM

TRIBUTARY: MORES CREEK

QUANTITY: 0.490 CFS

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

PRIORITY DATE: 06/01/1912

POINT OF
DIVERSION: T04N R04E S33 SESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 11/15	0.460 CFS

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

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S33	SESW	3.0	T04N R04E S33	SWSE	15.0
T04N R04E S33	SESE	5.0			

STOCKWATER same as IRRIGATION

23 ACRES TOTAL

Dmr
DL
sch
RPB

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-15094
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 378-5306 E.Gail McGarry

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

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

Name: Gail G Allen Robert P Allen
Address: 14 Allen Ln
Boise, ID 83716

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

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

E. REASONS SUPPORTING EACH OBJECTION(S):

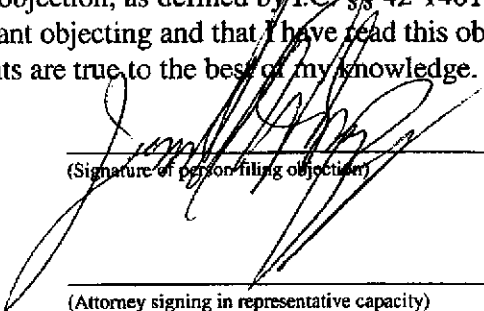
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

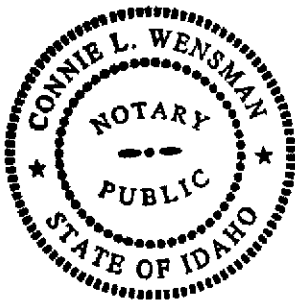
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003





Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Gail G Allen Robert P Allen

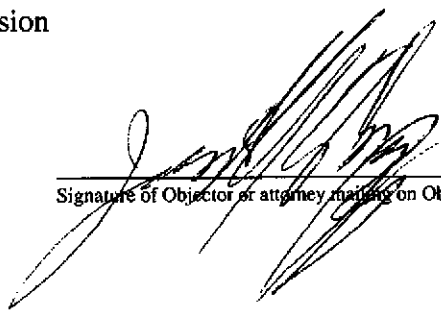
Address: 14 Allen Ln
Boise, ID 83716

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

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

In Re SRBA

Case No. 39576

A. Subcase Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: See Attachment B
Address:

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

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

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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

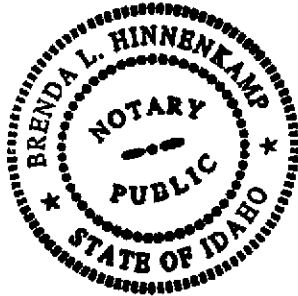
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

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



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: See Attachment B
Address:

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

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

ATTACHMENT D

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037

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

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

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

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

Larry R Smith
Aida L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

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

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

IDAHO DEPARTMENT OF WATER RESOURCES 11/05/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-15094

NAME AND ADDRESS: GAIL G ALLEN
14 ALLEN LN
BOISE ID 83716

ROBERT P ALLEN
14 ALLEN LN
BOISE ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: MORES CREEK
QUANTITY: 0.49 CFS

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

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION:
T04N R04E S33 SESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 11/15	0.460 CFS

PLACE OF USE: IRRIGATION Within BOISE County
T04N R04E S33 SESW 3.0 T04N R04E S33 SWSE 15.0
T04N R04E S33 SESE 5.0
STOCKWATER same as IRRIGATION

23 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use
STOCKWATER, 100 RANGE CATTLE

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

CLAIM NO(s). A63-15094 _____

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: _____
(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:

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

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

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

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # 100 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

C18, N3, N8, Exp

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-15-01

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

06/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 63-15094

Owner Type Name and Address
Current Owner GAIL G ALLEN
Current Owner ROBERT P ALLEN
 14 ALLEN LN
 BOISE, ID 83716
 (208)342-4451

Original Owner JOE R STEWART
 8110 S COLE
 BOISE, ID 83709
 (208)362-0073

Priority Date: 06/01/1912
Basis: Beneficial Use
Status: Active

Source Tributary to
UNNAMED STREAM MORES CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/15	10/15	0.46 CFS		
STOCKWATER	1/01	12/31	0.03 CFS		
Total Diversion			0.49 CFS		

Location of Point(s) of Diversion:

UNNAMED STREAM SESE Sec. 33 Township 04N Range 04E BOISE County

IRRIGATION Use:
Acre Limit: 23

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	04E	33		SESW	4 3									
				SWSE	15		SESE	4 5						

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 23

Remarks:

1. General STOCK WATER FROM STREAM AND DITCHES.
 OWNERSHIP CHANGED BY DB 8/31/98.

Dates:

C18

1912

RECEIVED

SEP 20 2001

WATER RESOURCES
WESTERN REGION

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

AFFIDAVIT

1463-15093)
1463-15094)

State of Idaho)
County of _____)

Robert P. Allen

being first duly sworn,

deposes and says: As Evidence of 1912 Priority Date. This property was homesteaded By Charles A. Stewart in 1908. I talked with Descendant Son who was Raised on this Land, James Stewart 2475 So. Kimbal Boise, IDAHO 83709 ph. 208-376-3278 and has The best Knowledge of continuous use of the water he helped to maintain Spring used To Supply water To a Small Reservoir used To IRRigate & water Cattle. The Family use the water until Charles Death Then the Property was Split up Between the Kids - The Parcel I am Claiming was then worked By Joe Stewart He also used the water for Cattle & IRRigation & Domestic use Joe Terraced The Property & Constructed Ditches for the water To Flow & Irrigated with it. Since My wife Gail & I have owned The Property, we have maintained Ditches & use water to Irrigate Approx 3000 Trees - & Livestock & Storage IN the ground -

Robert P. Allen

(Signature)

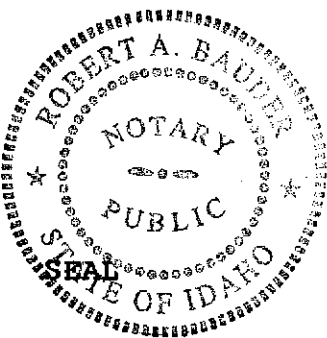
Subscribed and sworn to before me this
day 19 of Sept, 192001.

Robert A. Bauder

(Notary Public)

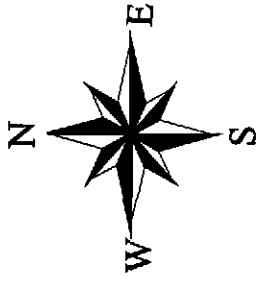
Residing at Boise, ID.

My Commission Expires 4/1/03.



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S33



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15094

OWNER(S): ALLEN, ROBERT & GAIL

DATE: NOVEMBER 5, 2001

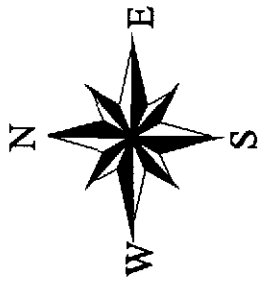
by: Mel Schulte



0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S33



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15094

OWNER(S): ALLEN, ROBERT & GAIL

DATE: NOVEMBER 5, 2001

by: Mel Schulte



0 0.25 0.5 0.75 Miles

A63-15094

PHOTOS TAKEN 8/15/2001



PHOTO #1
POD SITE

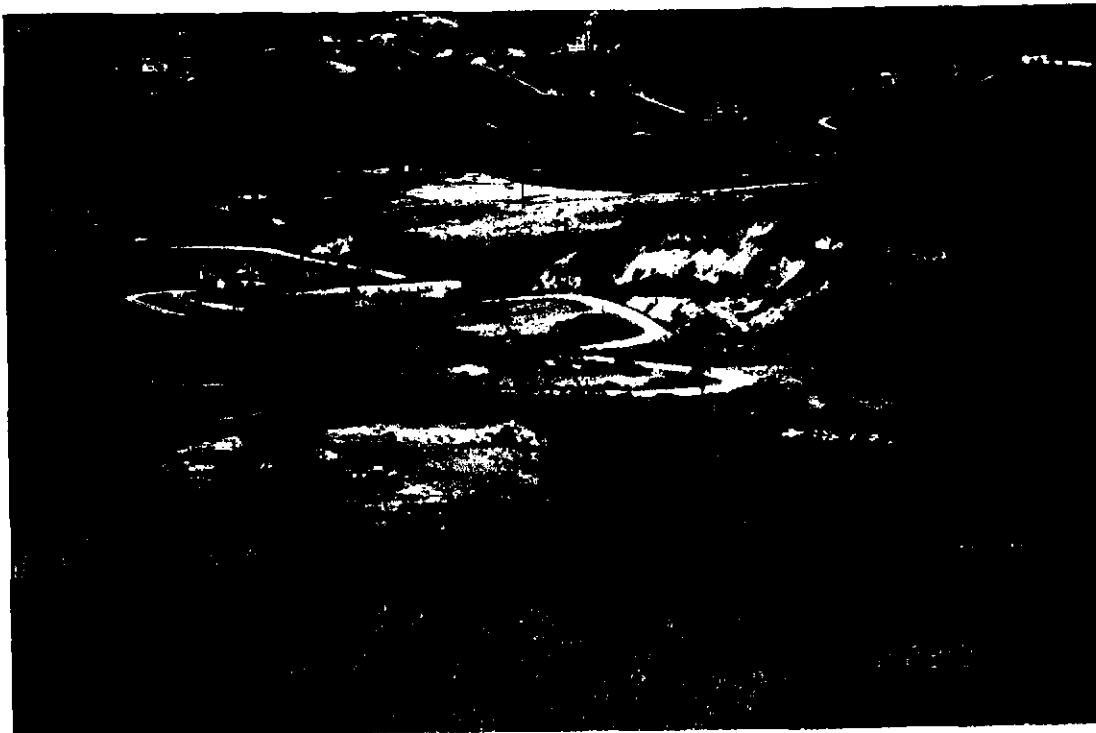


PHOTO #2
POU AREA LOOKING
WEST FROM HILL TO
THE EAST

A63-15094

PHOTOS TAKEN 8/15/2001



PHOTO #3
UPSTREAM MANNINGS
SITE

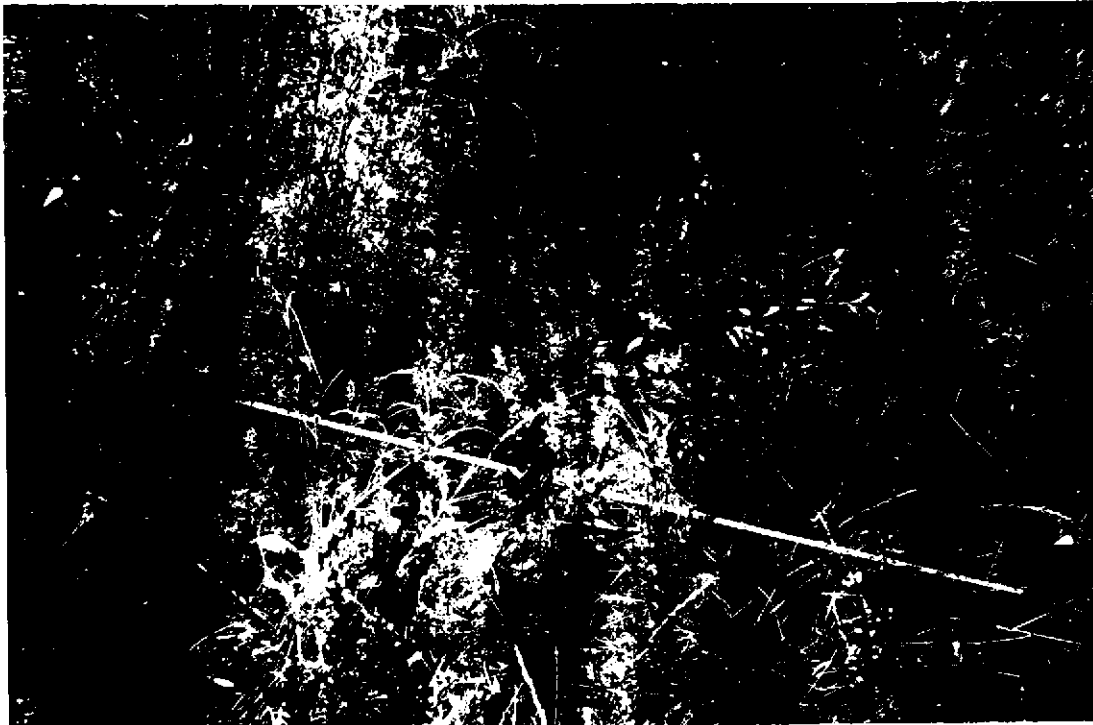


PHOTO #4
DOWNSTREAM
MANNINGS SITE



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

ROBERT P ALLEN
14 ALLEN LN
BOISE, ID 83716

Re: Claim No(s). 63-15093

63-15094

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Notice of Claim to a Water Right No. A63-15093, A63-15094 & A63-15095

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

Dear Mr. and Mrs. Allen:

Enclosed are copies of the above referenced claims which reflect the changes 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 these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 16, 1998

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

RE: Notice of Change of Water Right Ownership No. A63-15093,
A63-15094 and A63-15095

Dear Mr. & Mrs. Allen:

Enclosed is a copy of your Notice of Change of Water Right Ownership form that you recently submitted to our office. However, we cannot continue to process the ownership change without legal documentation indicating that Bertha "Sundae" Stewart is the Personal Representative for Joe Riley Stewart.

Please resubmit this information, along with the additional information required, and we will be able to complete the ownership change.

Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:d

Enclosure

#31 - P&D - Unmanned Stream

340382

283472

33 - Spring

340343

283399

#37 340524 Spring

283439

A63-15094

8-15-01

1. POB -
2. POU - How many acres irrigated - all 23
3. Old delivery system - series of ditches, pipes
pond
4. Measurement ? - two ditches - one above
old pond site, one below
5. Stock water component ? Yes - asked
6. Priority date - confirmed ?

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED**JUL 02 1998****NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 263-15095 / 263-15094 / 263-15093
 Adjudication Claim No(s).: 263-15095 / 263-15094 / 263-15093

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant
Bertha Sundae Stewart
2035 S. Riptide Avenue
Meridian, Idaho 83642

4. New Owner/Claimant(s)
Robert P. Allen & Gail G. Allen
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address
14 Allen Lane
 City, State and ZIP Code
Baise, Idaho 83716
 New Telephone Number
(208) 342-4451

5. Date you acquired the property
June 1, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 15.813 Number and type of stock Horses / Cattle
 Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)
Robert P. Allen
Gail G. Allen
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700 F7

READ AND APPROVED BY ga RPA

P167801 PSI/SG

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED BERTHA "SUNDAE" STEWART, PERSONAL REPRESENTATIVE OF THE ESTATE OF JOE RILEY STEWART, DECEASED.

Grantor , does hereby grant, bargain, sell and convey unto ROBERT P. ALLEN AND GAIL G. ALLEN, HUSBAND AND WIFE

the Grantee s , whose current address is: HC33 BOX 2100, BOISE, ID 83706
the following described real property in BOISE County, State of Idaho, more particularly described as follows, to-wit:
SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A" WHICH BY THIS REFERENCE BECOMES A PART HEREOF AND CONSISTS OF ONE (1) PAGE.

168896

INST# 168896
REQUEST Mtn Drew

98 JUN -2 PM 3:23

BOISE COUNTY RECORDER

[Signature]
TYPE Deed FEE 6.00/C/K

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 01, 1998

Bertha "Sundae" Stewart
BERTHA "SUNDAE" STEWART, PERSONAL REPRESENTATIVE

ACKNOWLEDGMENT - Fiduciary/Official

STATE OF IDAHO County of ADA, ss.

On this 1ST day of JUNE, in the year of 1998, before me
DIANNA L. STORK, a notary public

personally appeared BERTHA "SUNDAE" STEWART,
known or identified to me to be the person whose name is subscribed to the within instrument as
PERSONAL REPRESENTATIVE of the estate of JOE RILEY STEWART, DECEASED, acknowledged to me that SHE executed the same as such
(trustee, sheriff, etc.)

PERSONAL REPRESENTATIVE Residing at Meridian, ID
(trustee, sheriff, etc.) Commission Expires 01/23/2002

Notary Public: [Signature]

Residing at: MERIDIAN, IDAHO

My Commission Expires: JANUARY 23, 2002

PERSONAL REPRESENTATIVE'S DEED

Page 2

May 12, 1998

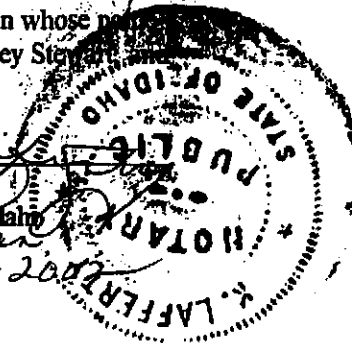
Dated: May 12, 1998

Bertha Sundae Stewart, Personal Representative
Bertha Sundae Stewart, Personal Representative

STATE OF IDAHO }
COUNTY of Ada } SS

On this 13th day of May, in the year 1998, before me, a Notary Public in and for said State, personally appeared Bertha Sundae Stewart, known or identified to me to be the person whose name subscribed to the within instrument as Personal Representative of the Estate of Joe Riley Stewart, and acknowledged to me that she executed the same as such Personal Representative.

[Signature]
Notary Public of Idaho
Residing at Meredon Idaho
Commission expires: 1-2002



168679
PERSONAL REPRESENTATIVE'S DEED

INST# 168679
REQUEST Dale G Allen

96 MAY 18 AM 8:22

BOISE COUNTY RECORDER

BY [Signature]
TYPE P.R. FEE 6.00
Dale

For Value Received:

Bertha Sundae Stewart, Personal Representative of the
Estate of Joe Riley Stewart

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Bertha Sundae Stewart Casey

hereinafter referred to as Grantee, whose current address is

2035 South Riptide Avenue
Meridian, Idaho 83642

the following premises, to-wit:

A parcel of Land being all of the South 1/2 of the Southwest 1/4 of Section 34, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho, and all of the Southeast 1/4 of the Southeast 1/4, part of the Southwest 1/4 of the Southeast 1/4 and part of the Southeast 1/4 of the Southwest 1/4 all in Section 33, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at a brass cap marking the Section Corner common to Sections 3 and 4, Township 3 North, Range 4 East, and Sections 33 and 34, Township 4 North, Range 4 East, all of the Boise Meridian, Boise County, Idaho, which point is the Real Point of Beginning:

thence N. 89°27'07" E. 2599.36 feet along the South Line of Section 34 to an Iron Pin also being the South 1/4 Corner of Section 34;

thence N. 0°31'10" E. 1313.11 feet along the Center of Section 1/4 Line to an Iron Pin marking the South 1/16 Corner of Section 34;

thence S. 89°36'13" W. 2599.23 feet along the 1/16 Line to an Iron Pin on the West line of Section 34 also being the 1/16 Corner;

thence S. 89°48'09" W. 2625.54 feet along the 1/16 Line of Section 33 to an Iron Pin marking the South 1/16 Corner of Section 33;

thence S. 89°48'18" W. 371.17 feet along the 1/16 Line to an Iron Pin on the East Right of Way Line of Idaho State Highway 21;

thence leaving said 1/16 Line S. 1°05'38" E. 297.51 feet along said Right of Way Line to an Iron Pin;

thence leaving said Right of Way Line S. 85°51'08" E. 1239.80 feet to an Iron Pin;

thence S. 38°12'52" E. 704.94 feet to an Iron Pin on the 1/16 Line;

thence S. 0°20'23" W. 372.28 feet along the 1/16 Line to an Iron Pin on the South Line of Section 33 also being the 1/16 Corner;

thence N. 89°50'26" E. 1308.63 feet along the South Line of Section 33 to the Real Point of Beginning, containing 134.81 Acres more or less.

Excepting therefrom Stewart Segregation Subdivision.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever, And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

P-167801 DS/SG

Marc S. Tanner
Attorney at Law
200 N. 4th SUITE 101
Boise, Idaho 83702-6001
Telephone: 384-0003

RECEIVED

JUL 22 1998

WATER RESOURCES
WESTERN REGION

NO. _____
FILED _____
A.M. _____ P.M. 4:30
DEC 21 1992
BY J. DAVID NAVARRO, CLERK
DEPUTY *[Signature]*

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

IN THE MATTER OF THE ESTATE OF
JOE RILEY STEWART,

Deceased.

3D-15494
CASE No 15494

LETTERS
TESTAMENTARY

BERTHA "SUNDAE" STEWART is hereby appointed personal representative of the Estate of JOE RILEY STEWART, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the personal representative.

WITNESS my signature and the seal of this Court this
21 day of Dec, 1992.

168895

INST# 168895
REQUEST mtn View

98 JUN -2 PM 3:22

BOISE COUNTY RECORDER

BY *[Signature]*
TYPE mta FEE 3.00 CK

Patricia A. Tanagan
Magistrate

LETTERS TESTAMENTARY

I, J. DAVID NAVARRO, CLERK OF THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON WHICH THIS OFFICE IS FILED.
IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS _____ DAY OF _____, 19____.

J. DAVID NAVARRO, CLERK

BY *[Signature]*

EXHIBIT A

The land referred to in this Commitment is described as follows:

LOT 1 BLOCK 1 ALLEN RANCH SEGREGATION SUBDIVISION ACCORDING TO THE PLAT THEREOF AS INSTRUMENT NO. 168746 RECORDS OF BOISE COUNTY, IDAHO

TOGETHER WITH A NON-EXCLUSIVE PRIVATE EASEMENT FOR INGRESS AND EGRESS, ROAD, UTILITY, AND WATER LINE PURPOSES OVER A STRIP OF LAND 25 FEET WIDE, THE NORTHERLY, NORTHEASTERLY AND EASTERLY BOUNDARY OF WHICH IS ALONG A PORTION OF THE BOUNDARY OF THE ABOVE PROPERTY DESCRIBED AS FOLLOWS: COMMENCING AT A BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 33; THENCE

SOUTH 89 DEGREES 51'08" WEST 342.33 FEET ALONG THE SOUTH LINE OF SECTION 33 TO AN IRON PIN ON THE EAST RIGHT-OF-WAY LINE OF IDAHO STATE HIGHWAY 21; THENCE

NORTH 1 DEGREE 05'38" WEST 1,020.53 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF IDAHO STATE HIGHWAY 21 TO AN IRON PIN, WHICH POINT IS THE NORTHWEST CORNER OF THE EASEMENT AND THE POINT OF BEGINNING OF THE NORTHERLY, NORTHEASTERLY AND EASTERLY BOUNDARY OF THE EASEMENT WHICH PROCEEDS AS FOLLOWS: THENCE

SOUTH 85 DEGREES 51'08" EAST 1,239.80 FEET (THE NORTHERLY BOUNDARY OF THE EASEMENT) TO AN IRON PIN; THENCE

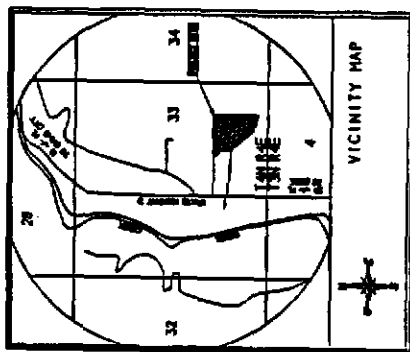
SOUTH 38 DEGREES 12'52" EAST 704.94 FEET TO (THE NORTHEASTERLY BOUNDARY OF THE EASEMENT) A POINT; THENCE

SOUTH 0 DEGREE 20'23" WEST 372.28 FEET TO A POINT WHICH IS THE SOUTHEAST CORNER OF THE EASEMENT AND THE TERMINATION OF THE EASTERLY BOUNDARY OF THE EASEMENT.

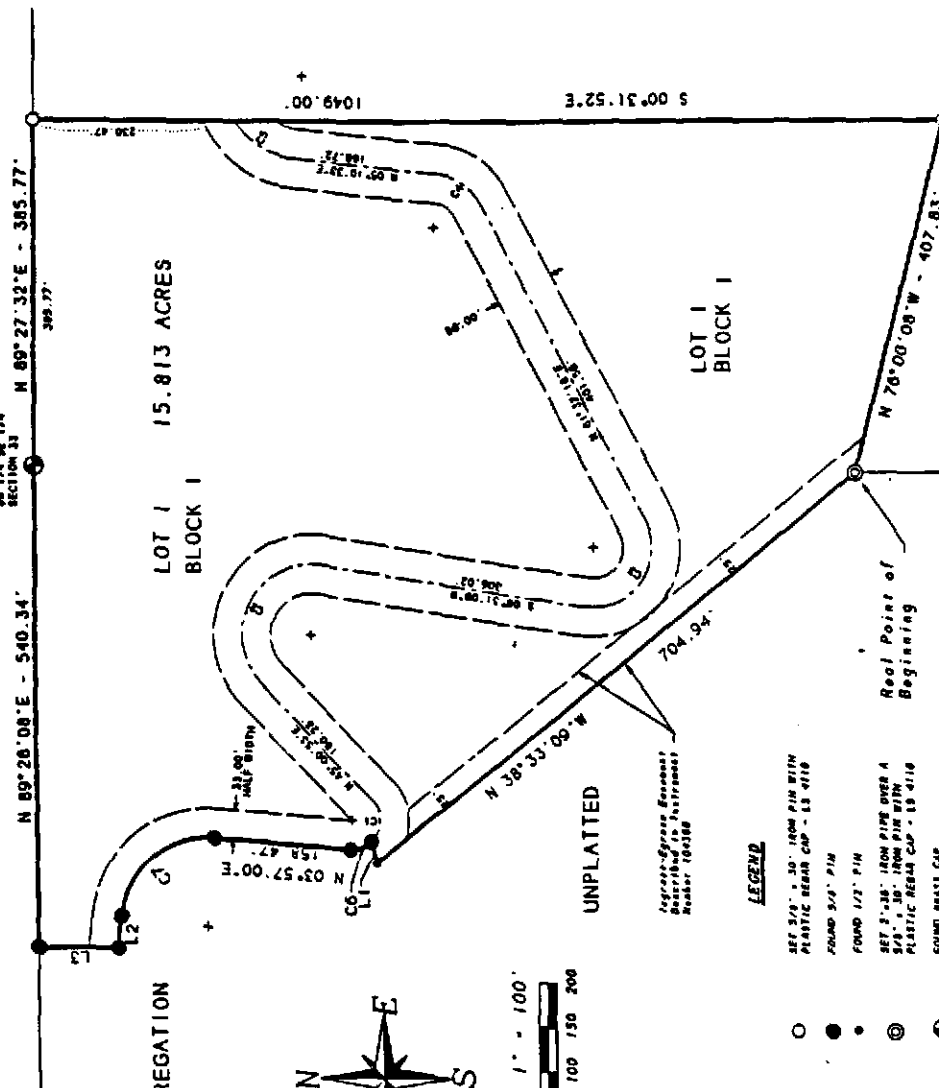
END OF LEGAL DESCRIPTION

ALLEN RANCH SEGREGATION SUBDIVISION

SITUATED IN THE SOUTH-ONE HALF OF SECTION 33, T.4N., R.4E., S.M., BOISE COUNTY, IDAHO
1986



UNPLATTED



STEWART SEGREGATION
SUBDIVISION

LOT 1
BLOCK 1
15.813 ACRES

LOT 1
BLOCK 2

LEGEND

SET 5/8" - 30" IRON PIN WITH
PLASTIC BEAN CAP - 11 4110

FOUND 5/8" PIN

FOUND 1/2" PIN

SET 5/8" - 30" IRON PIN OVER A
5/8" - 30" IRON PIN WITH
PLASTIC BEAN CAP - 11 4110

FOUND BRASS CAP

FOUND ALUMINUM CAP

CENTER LINE 80 FOOT WIDE HIGHWAY
EMBEDDED PUBLIC UTILITY AND
DRAINAGE EASEMENT

PLAT BOUNDARY LINE

UNPLATTED



Section Corner
BRASS CAP

AL CAP SE CORNER
SW 1/4 SE 1/4
SEC. 33

SOUTH 1/4 CORNER
SEC. 33
BRASS CAP

B & A Engineers, Inc. 5505 W. Franklin Rd. Boise, Idaho 83705 208-343-3387

Int. #168746

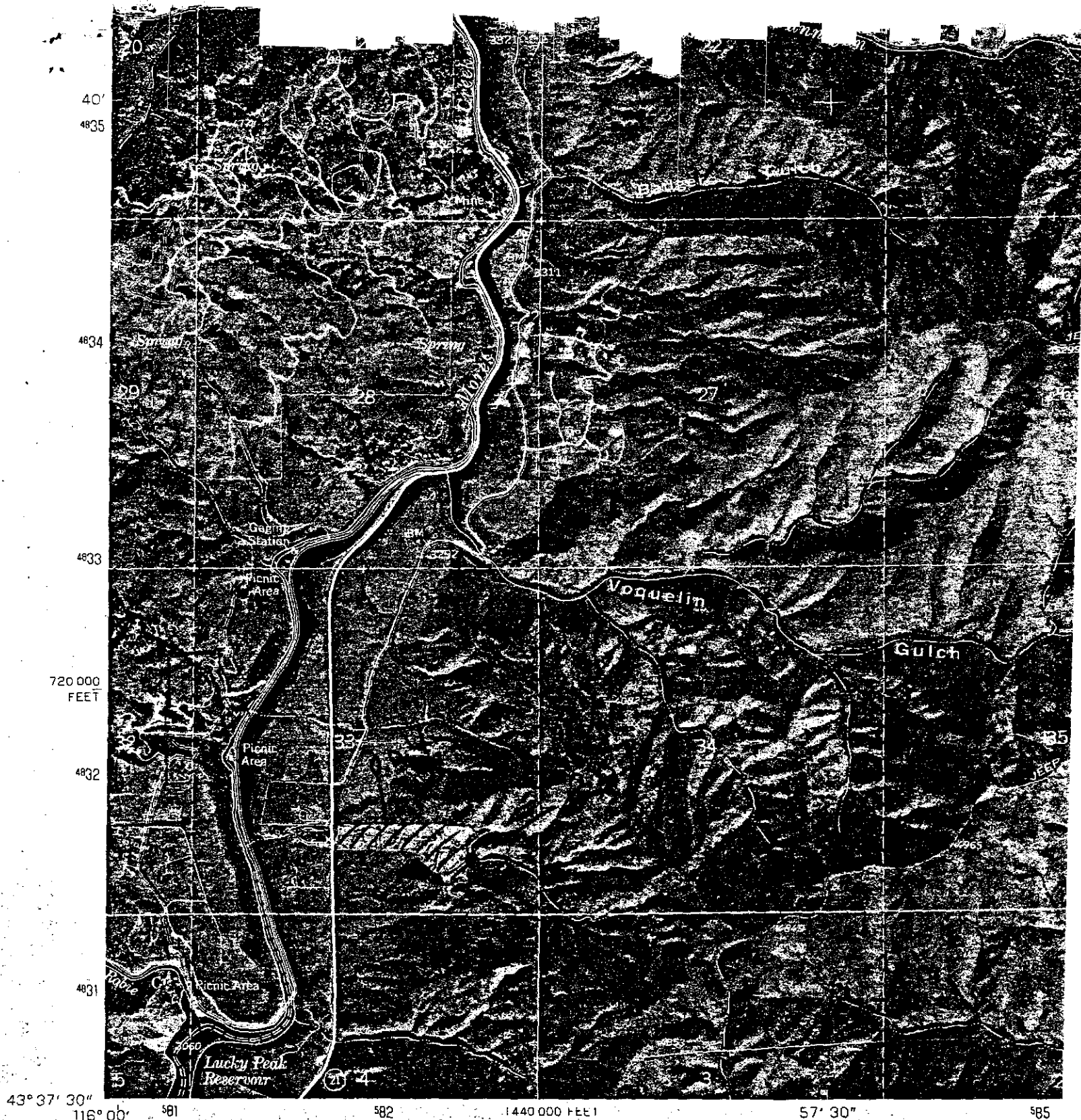
SHEET 1 OF 2
DWG. NO. : 971201

LINE	BEARING	DISTANCE
1	N 72°44'04"W	24.20'
2	N 27°37'40"W	24.20'
3	N 80°31'32"E	90.23'

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	97°11'43"	31.00'	31.00'	30.29'	47.35'	S 80°32'18"W
C2	107°20'18"	40.00'	40.00'	39.30'	60.75'	S 74°15'18"W
C3	120°55'50"	87.00'	87.00'	84.08'	145.39'	S 64°15'18"W
C4	120°55'50"	87.00'	87.00'	84.08'	145.39'	S 64°15'18"W
C5	50°28'43"	40.00'	39.11'	32.20'	50.75'	N 33°32'18"E
C6	50°28'43"	40.00'	39.11'	32.20'	50.75'	N 33°32'18"E
C7	97°11'43"	31.00'	31.00'	30.29'	47.35'	N 80°31'32"E

NOTES

- The developer shall comply with Idaho Code 31-3005, relating to the transfer of water rights.
- The 80 foot wide, ingress-egress, public utility and drainage easement (shown) shall be shown to be for the benefit of the land immediately to the east of this subdivision.
- Lot 1 shall not be reduced in size without the prior approval of appropriate health authority and the Boise County Commissioners.
- The land area shown herein is for tax purposes only.
- Boise County assumes no responsibility for maintenance of the road platted herein, subject to the subdivision ordinance in effect at the time this subdivision is recorded.
- A 15-foot wide utility and drainage easement is hereby reserved along all lot lines, along roads and along the subdivision boundary.
- The utility and drainage easement along the road may be used as a road easement and for storm storage.
- All roads platted herein are private roads and therefore an easity easement (other than emergency in general) will be provided.
- Areas of soil fill material near the subdivision. A foundation and stability analysis should be conducted prior to building on fill material areas.



Produced by the Geological Survey
in cooperation with the State of Idaho

Orthophotograph prepared from 1:80,000-scale aerial
photographs taken August 8, 1984

Projection and 10,000-foot grid ticks
Idaho coordinate system, west zone
(Transverse Mercator)

1,000-meter Universal Transverse Mercator grid ticks,
zone 11, 1927 North American Datum

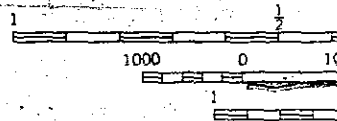
Photoimagery rectified by optical scanning

Where double or mismatched image occur use the
mean of image position for map point

To place on the predicted North American Datum 1983 move

the image on 15 meters north and 76 meters east

A63-15099



MICROFILMED

AUG 24 1992

T4N R4E

RECORD OF SURVEY

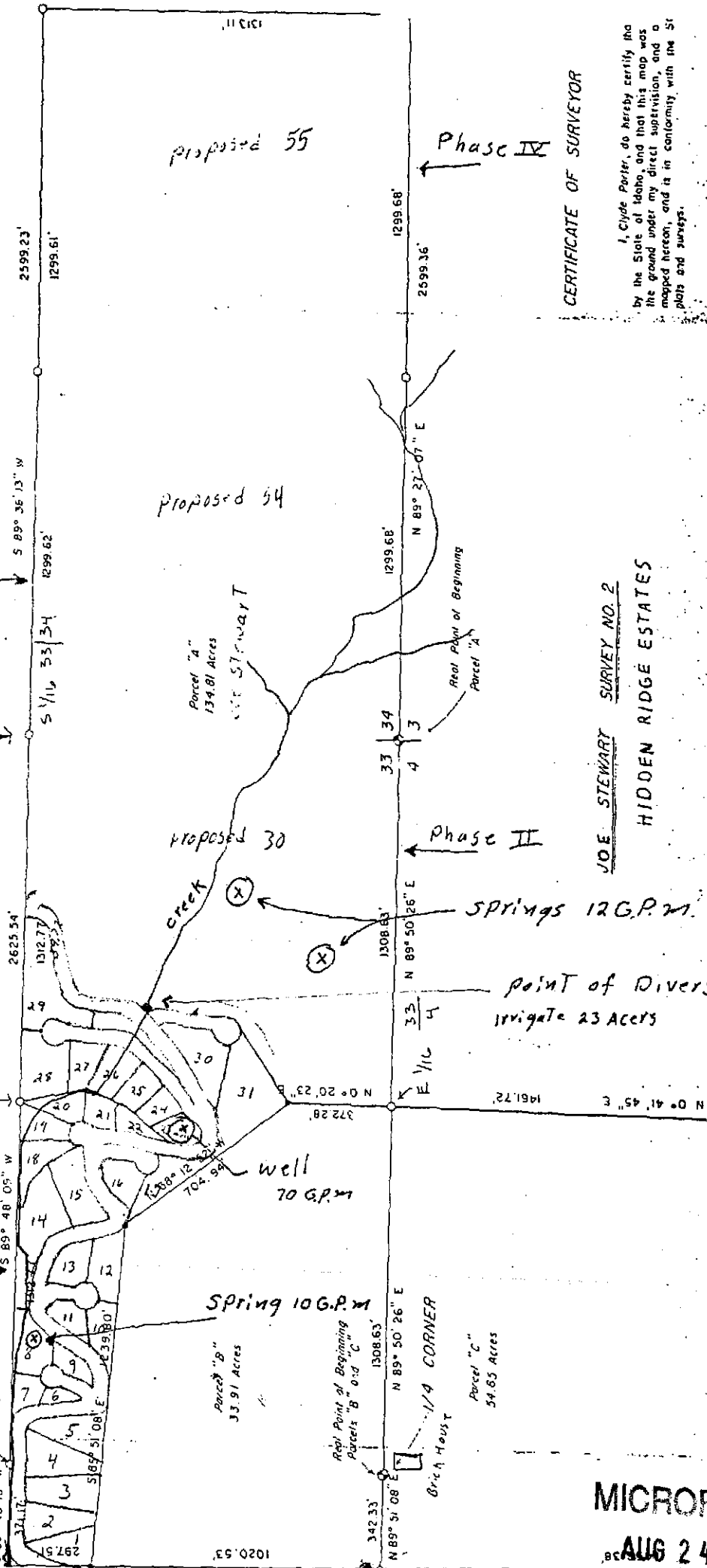
A map showing parcels of land being all of the S1/2 of the SW 1/4 of Section 34, all of the S1/2 of the SE 1/4 and part of the SE 1/4 of the SW 1/4 of Section 33 all in T4N, R4E, BM, and all of U.S. Government Lot 2 and part of U.S. Government Lot 3 in Section 4, T4N, R4E, BM, Boise County, Idaho

1981

Phase I
31 lots
Ready for
Phase IB

STATE HIGHWAY
21

S 1/2 Sec 33



CERTIFICATE OF SURVEYOR

I, Clyde Porter, do hereby certify that by the State of Idaho, and that this map was the ground under my direct supervision, and a map of the ground, and is in conformity with the State laws and surveys.

JOE STEWART SURVEY NO. 2
HIDDEN RIDGE ESTATES

MICROFILMED
AUG 24 1992