

A63-15100

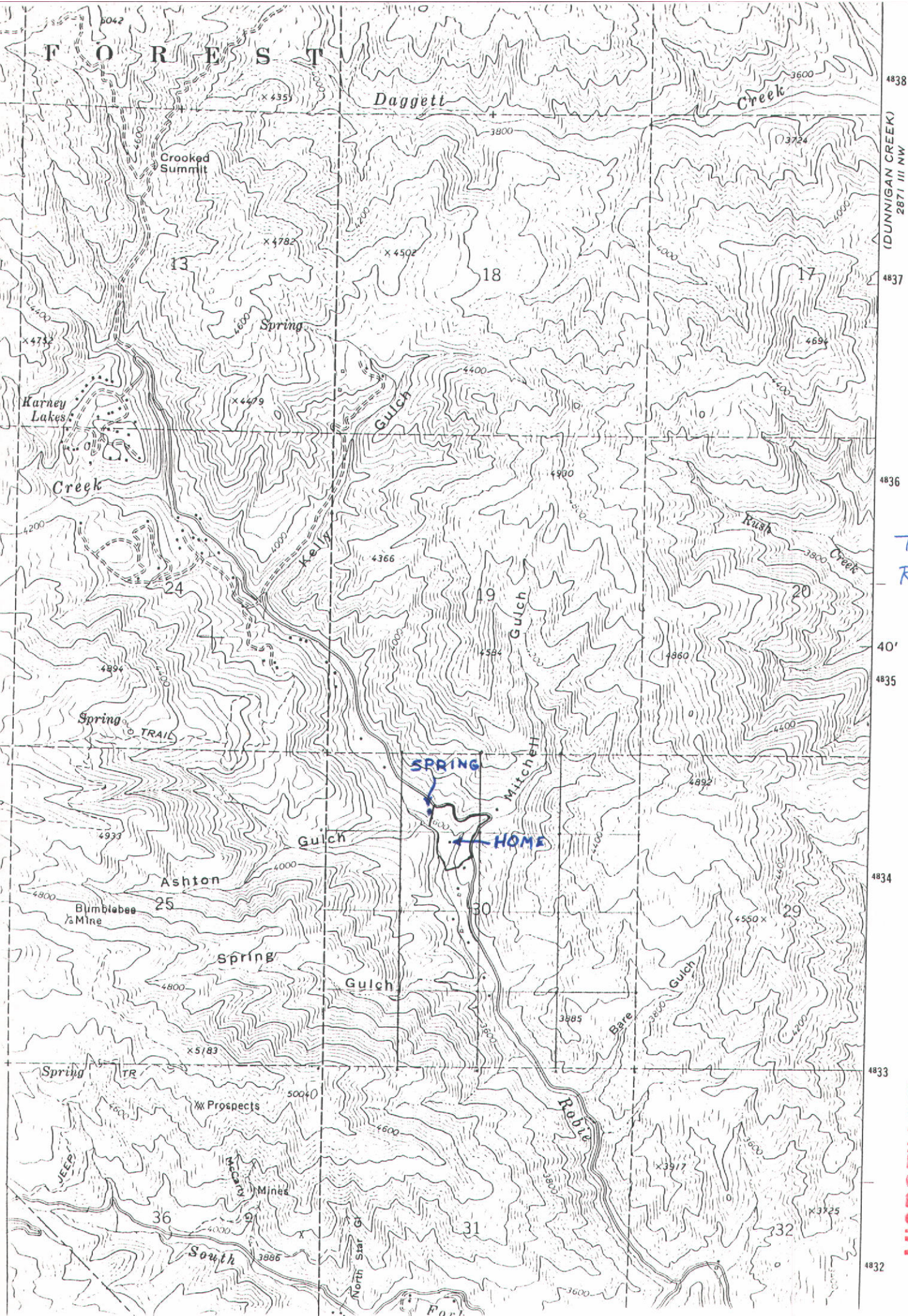
PHOTOS TAKEN: 11/05//2001



PHOTO # 1
POINT OF DIVERSION

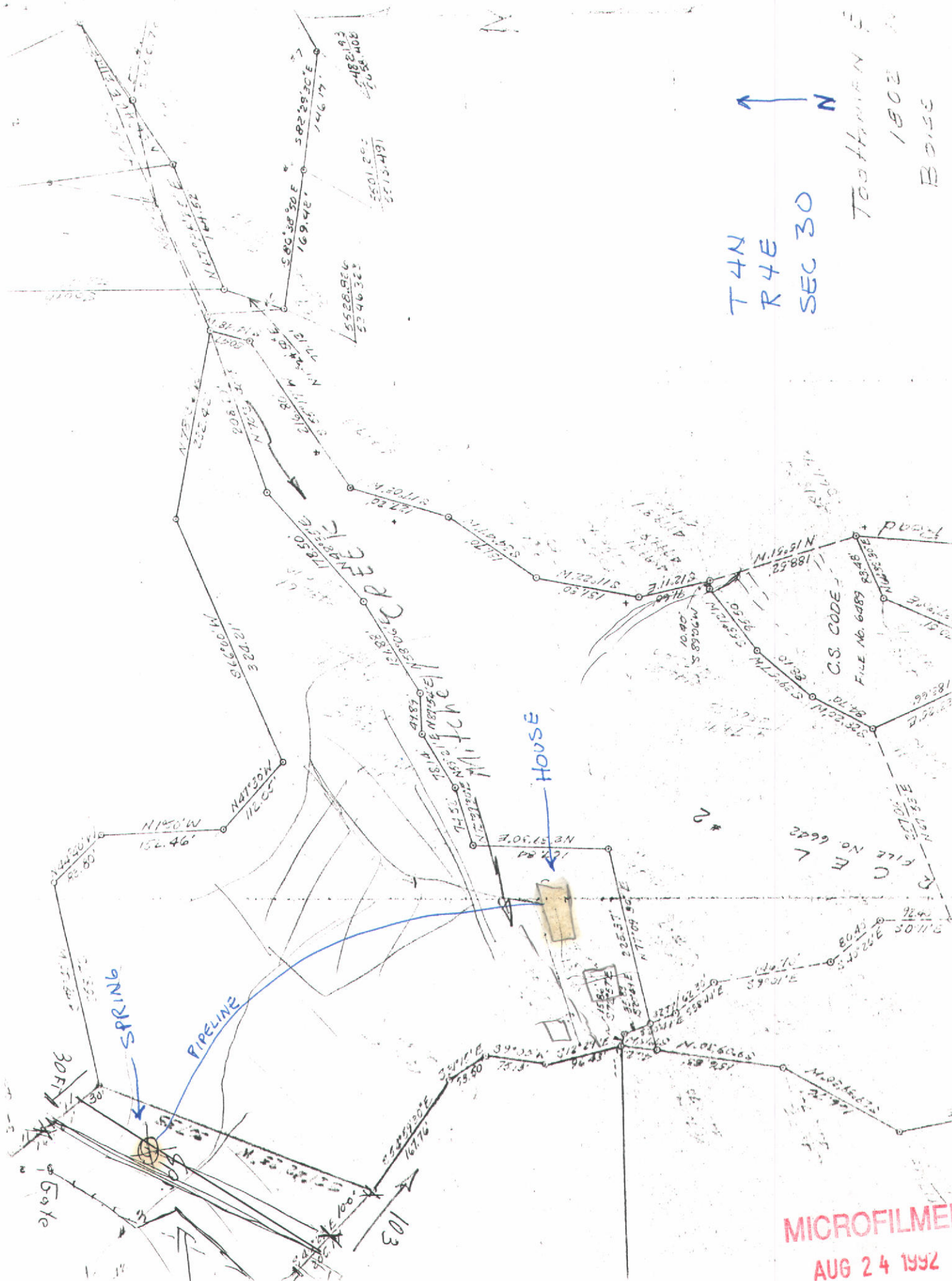


PHOTO # 2
PLACE OF USE



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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: **A63-15100**
Date Received: 3/13/1989
Receipt No: C005764
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEVEN D CUMMINGS
Address: 2195 ROBIE CREEK
BOISE ID

83706

2. Date of Priority: JUN 1, 1936

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	SW	NE	NW		BOISE

5. Description of diverting works:

5' DIA. CULVERT TO A DEPTH OF 12', PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

0.040 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC FOR ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04E	30	SE	NW		DOMEST	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR DOMESTIC USES:

1. A63-15101 - WATER FROM MITCHELL CREEK FOR GARDEN AND OTHER DOMESTIC USES.
2. WATER FROM SPRING IN SE1/4 OF NW1/4 FOR HOUSEHOLD PURPOSES EXCLUDING DRINKING WATER, ACCORDING TO CLAIMANT, THIS RIGHT DATES BACK TO 1896. THIS RIGHT IS MENTIONED IN DECREE FOR MITCHELL CREEK.

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: A63-15100
Date Received: 3/13/89
Receipt No: C005764
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HORST O. BILOSCHAETZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

OR

Name: GISELA BILOSCHAETZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

2. Date of Priority: JUN 01, 1936

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	SW	NE	NW		BOISE

5. Description of diverting works:
5' DIA. CULVERT TO A DEPTH OF 12', PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NW		DOMEST	

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR DOMESTIC USES:

1. A63-15101 - WATER FROM MITCHELL CREEK FOR GARDEN AND OTHER DOMESTIC USES.
2. WATER FROM SPRING IN SE1/4 OF NW1/4 FOR HOUSEHOLD PURPOSES EXCLUDING DRINKING WATER, ACCORDING TO CLAIMANT, THIS RIGHT DATES BACK TO 1896. THIS RIGHT IS MENTIONED IN DECREE FOR MITCHELL CREEK.

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: 2

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): Hont O. Biloschucke Date: Mar 13/1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13TH day
of MARCH 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

02/26/2002

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

RIGHT NUMBER: 63-15100

NAME AND ADDRESS: STEVEN D CUMMINGS
545 ROBIE CREEK
BOISE ID 83716

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/01/1936

POINT OF DIVERSION:

T04N R04E S30 SWNENW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T04N R04E S30 SENW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY ALSO KNOWN AS PARCEL NO. RP 04N04E304250
DOMESTIC USE IS 1 HOME

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-388

WATER RIGHT NUMBER: 63-388

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HORST O BILOSCHAEZKE
	, ID
Current Owner	GISELA BILOSCHAEZKE
	, ID

Priority Date: 03/28/1979

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /	0.004 CFS	
	<u>Total Diversion:</u>	0.004 CFS	

Location of Point(s) of Diversion

SPRING

Sec. 36, Twp 65N, Rge 46E, B.M.

Place of Use

DOMESTIC Within BOISE County

T04N R04E S30	NENW	T04N R04E S30	NWNW
T04N R04E S30	SWNW	T04N R04E S30	SENW

Conditions of Approval:Remarks:

1. General P/D NOT LISTED IN DECREE. P/U INCOMPLETE. PRIORITY DATE GIVEN DATE OF DECREE.
 NOTE: THIS RT. MAY BE CLAIMED UNDER NO. A63-15100. SEE DECREE 63-L FOR INFORMATION CONCERNING THE SPRING WATER. KW 1/16/1996

Comments:Dates and Other Information:

This right is not the same spring source as 63-15100.

A63-15100

PHOTOS TAKEN: 11/05//2001



PHOTO # 1
POINT OF DIVERSION

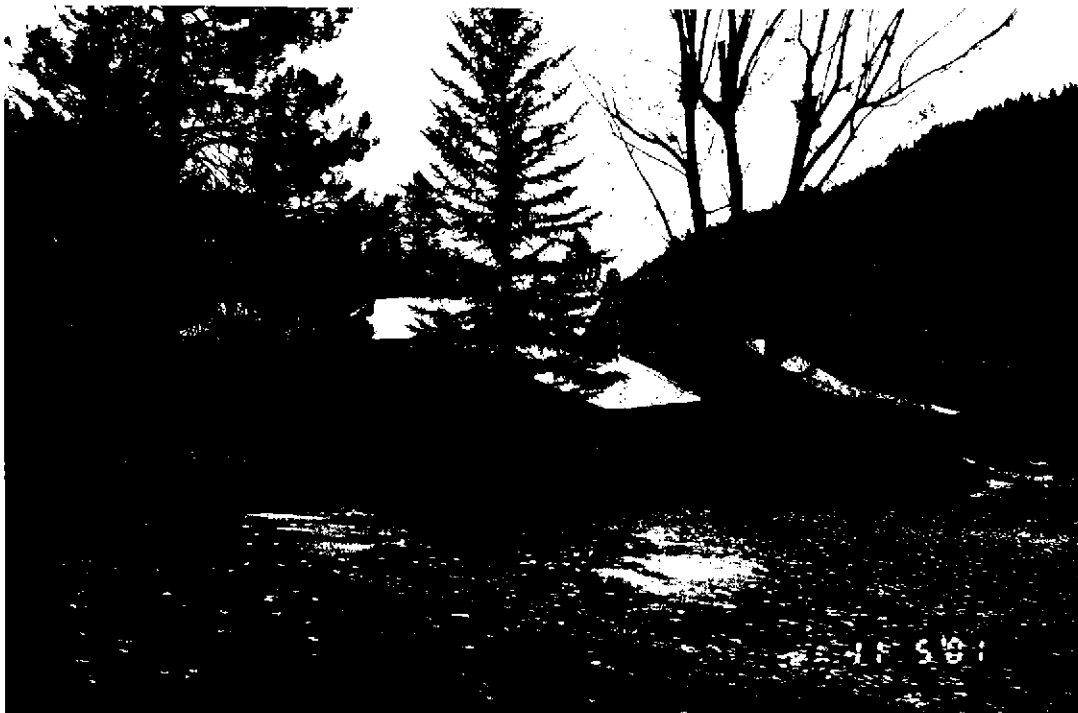


PHOTO # 2
PLACE OF USE

OWNER CODE	NAME & ADDRESS
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**C STEVEN D CUMMINGS
2195 ROBIE CREEK
BOISE ID 83706**

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04N R04E S30

FINZIMS

Place of use Legal Description for: DOMESTIC

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END

五

35

	NENE	NNNE	SUNE	SENE	:	NENW	NNNW	SWNW	SENW	:	NSW	NWSW	SSW	SES	:	NESS	NUSW	SWSE	: SESE
T R S :	Lt AC	Lt AC	Lt AC	Lt AC	:	Lt AC	Lt AC	Lt AC	Lt AC	:	Lt AC	Lt AC	Lt AC	Lt AC	:	Lt AC	Lt AC	Lt AC	Lt AC
DAN O6F 30 :					:					:					:				
					:				D	:					:				

POW County: BOISE

Non-Irrigation Uses: 1 HOUSE

Other Rights: SEE REMARKS

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP RP 04N04E304250

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc:

Field Inspection Flag:
Presumption Flag:

Comments:	Date: 02/18/1997	User-ID: CORR1	Subject: COPIED FROM REMARKS
OTHER RIGHTS FOR DOMESTIC USES:			

AJ5809NP
No. R63-15100

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/27/98
PAGE: 86

Comments: Date: 02/18/1997 User-ID: CORR1 Subject: COPIED FROM REMARKS
1. A63-15101 - WATER FROM MITCHELL CREEK FOR GARDEN AND OTHER
DOMESTIC USES.
2. WATER FROM SPRING IN SE1/4 OF NW1/4 FOR HOUSEHOLD PURPOSES .
EXCLUDING DRINKING WATER, ACCORDING TO CLAIMANT, THIS RIGHT
DATES BACK TO 1896. THIS RIGHT IS MENTIONED IN DECREE FOR
MITCHELL CREEK.

*

CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 4-19-95

Audit: 02/18/97 CORR1

Prefix Translation: ADJUDICATION CLAIM

1 2 3

Phone - 208-000-0000

City- X
Phone - 208-000-0000

SEE REMARKS

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
1	1	1	1	1	1	1

0.004

Tract	Sec	Tract	Lot	Acres	Place of Use	Description	County
1	1	1	1	1	1	1	1

04N	04E	30	NE NW	43	DOMESTIC	15	BOISE
04N	04E	30	NW NW	43	DOMESTIC	15	BOISE
04N	04E	30	SW NW	43	DOMESTIC	15	BOISE
04N	04E	30	SE NW	43	DOMESTIC	15	BOISE

++ - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

	Remarks
P/D NOT LISTED IN DECREE.	P/U INCOMPLETE. PRIORITY DATE GIVEN

P/D NOT LISTED IN DECREE. P/U INCOMPLETE. PRIORITY DATE GIVEN

DATE OF DECREE.

NOTE: THIS RT. MAY BE CLAIMED UNDER NO. A63-15100. SEE DECREE 63-L FOR INFORMATION CONCERNING THE SPRING WATER. KW 1/16/1996

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/16/96 11:57:23
Page 2

Water right number - A63-00388

Prefix Translation: ADJUDICATION CLAIM

```
+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - No Old Water Right Numbers Found
+ - - - - - Conditions of Approval - - - - - +
+ - - - - - No Conditions of Approval found.
+ - - - - - Decree Plaintiff - - - +
OLIN COOLEY, ET. AL. HORST O. BILOSCHAEITZKE, ET. AL. + - Decree Date - - +
+ - - - - - -Comments- - - - - +
+ - - - - - No Comments Found
+ - - - - - Audit Fields - - +
+ - - - - - 01/16/96 KWALKER
+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
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Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - Old Judicial District -
Claim Received Date - 01/16/1996 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X777777 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -
```

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See Decree 63-1

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book 3 Page 426-429

Mar 29-1979
Filed **MAR 29 1979**
Robert J. Taffner CLERK
By *Ann Morgan* DEPUTY

1 WILLIAM D. COLLINS
2 COLLINS & MANLY
3 ATTORNEYS AT LAW
4 708 NORTH 8TH STREET
5 P. O. BOX 2784
6 BOISE, IDAHO 83701
7 TELEPHONE (208) 245-2811

8 Attorney for Plaintiffs

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

9	OLIN COOLEY and ROSEMARY	)	Case No. 921
10	COOLEY, husband and wife,	)	
11	and EUGENE PHILLIPS and	)	DECREE
12	LAVONNE PHILLIPS, husband	)	
13	and wife,	)	
14	Plaintiffs,	)	
15	vs.	)	
16		)	
17	HORST O. BILOSCHAEZKE and	)	
18	GISELA S. BILOSCHAEZKE,	)	
19	husband and wife, and	)	
20	LESTER HOOVER and ERNA	)	
21	HOOVER, husband and wife,	)	
22	Defendants.	)	

23 The above-entitled matter came on regularly for trial
24 July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho
25 City, Idaho. The Plaintiffs were represented by William D.
26 Collins of the firm Collins, Manly & Williams, and the Defendants,
27 Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were repre-
28 sented by Douglas McClelland of the firm Skinner, McClelland &
Donnelly. The Defendants, Lester Hoover and Erna Hoover, having
been regularly served with process and having failed to appear or
answer the Complaint, their default was taken and entered November
4, 1976. The parties have stipulated to waive findings of fact
and conclusions of law and agreed to the entry of this Decree and
the Court being fully advised in the premises hereby enters the
following Decree,

DECREE

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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

2 1. All lands described in Exhibits A, B and C are arid in
3 nature and require irrigation for the proper cultivation and
4 raising of crops thereon.

5 2. All appropriations herein ordered, adjudged and decreed
6 are to be measured at the respective points of diversion as
hereinafter set forth.

7 3. The following-named parties to this action are entitled
8 to divert and use the waters of Robie Creek in Boise County, Idaho
9 upon their respective tracts of land hereinafter described in the
10 following amounts and from the following dates and the same are
11 ordered, adjudged and decreed as follows:

12 63-00317A (a) To Plaintiffs, Olin Cooley and Rosemary Cooley,
13 husband and wife, for use upon and appurtenant to the
14 property described in Exhibit A which is attached hereto and
15 incorporated herein as if set out in full, fifteen miners
16 inches or 0.3 of a cubic foot per second with a priority of
17 April 1, 1896, and a point of diversion approximately 716
18 feet east of the northwest corner of Section 30, Township
19 4 North, Range 4 East, Boise Meridian, Boise County, Idaho.
20 During times of scarcity when the flow in Robie Creek at this
21 point of diversion is less than 50 miners inches or one cubic
22 foot per second, then 0.3 of the water available at that
point of diversion shall be for use on the property described
in Exhibit A.

23 63-00317B (b) To Plaintiffs, Eugene Phillips and Lavonne Phillips,
24 husband and wife, for use on and appurtenant to the real
25 property described in Exhibit B which is attached hereto
26 and incorporated herein as if set out in full, fifteen
27
28

1 miners inches or 0.3 of a cubic foot per second with a
2 priority date of April 1, 1896, with two points of
3 diversion; (1) approximately 716 feet east of the northwest
4 corner of Section 30, Township 4 North, Range 4 East, Boise
5 Meridian, Boise County, Idaho, and (2) at the mouth of the
6 confluence of Mitchell Creek and Robie Creek. Those Defendan
7 may divert up to fifteen miners inches at either of the two
8 points of diversion but shall not exceed 15 miners inches tot
9 between the two diversion points. During the times of scarci
10 when the flow of water in Robie Creek is less than 50 miners
11 inches at the point of diversion described first above then
12 the quantity of water to be diverted for this property shall
13 be 0.3 of that existing at that point.

13 63-00317C(c) To the Defendants, Horst O. Biloschaetzke and
14 Gisela S. Biloschaetzke, husband and wife, for use on and
15 appurtenant to the real property described in Exhibit C
16 which is attached hereto and incorporated herein as if set
17 out in full, twenty miners inches of 0.4 of a cubic foot per
18 second with a priority date of April 1, 1896, with two points
19 of diversion; (1) approximately 716 feet east of the north-
20 west corner of Section 30, Township 4 North, Range 4 East,
21 Boise Meridian, Boise County, Idaho, and (2) at a point on
22 Robie Creek about 150 yards south of the above designated poi
23 of diversion. Those Defendants may divert water to satisfy
24 this right out of either or both of the two points of
25 diversion but shall not exceed 20 miners inches total
26 between the two. During times of scarcity when the total
27 quantity of water in Robie Creek is less than 50 miners inches
28 at the first point of diversion described above then those
Defendants shall divert 0.4 of that then existing.

1 4. The above water rights comprise an allocation of the
2 waters previously decreed by the District Court of the Third
3 Judicial District of the State of Idaho, in and for the County
4 of Boise, in the case of Earl H. Afton and Mabel Afton, husband
5 and wife, Plaintiffs, vs. Frances Luttrell, et al, Defendants,
6 in Case No. 629 entered March 23, 1962. The right decreed to
7 the Plaintiffs, Earl H. Afton and Mabel Afton, was 50 miners
8 inches or one cubic foot per second with a priority of April
9 1, 1896, at the above three points of diversion as the same appear
10 ed in Paragraph 3, Subparagraph (a), Page 4, of the Decree as
entered by the Court.

11 5. The following named parties to this action are entitled
12 to divert and use the waters of Mitchell Creek, Boise County,
13 Idaho, upon their respective tracts of land hereinafter
14 described, in the following amounts from the following dates,
and the same are ordered, adjudged and decreed:

15 63-00386 (a) To Defendants, Horst O. Biloschaetzke and Gisela S.
16 Biloschaetzke, husband and wife, for domestic purposes for
17 a single family residence located upon the property
18 described in Exhibit C, 1,200 gallons per day with a
19 maximum rate of diversion of 2 gallons per minute to
20 be conveyed through a 1½ inch pipe. The point of diversion
21 shall be approximately 200 feet easterly of the southwest
22 corner of the property described in Exhibit C. The priority
of the right shall be June 1, 1966.

23 63-00387 (b) To Plaintiffs, Olin Cooley and Rosemary Cooley,
24 the balance of the waters of Mitchell Creek not to exceed
25 15 miners inches for use upon the property described in
26 Exhibit A for irrigation purposes with a priority date
27

28 DECREE

-4-

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1 of June 2, 1966, and a point of diversion approximately
2 100 feet westerly of the northeast corner of the property
3 described in Exhibit A.

4 63-00388 6. Horst O. Biloschaetzke and Gisela S. Biloschaetzke
5 are entitled to the use of certain private waters located upon
6 the property described in Exhibit A for use upon their property
7 described in Exhibit C for domestic purposes for a single family
8 dwelling. The quantity of water shall be 1,200 gallons per day
9 with a maximum rate of diversion of 2 gallons per minute. The
10 water shall be diverted through a 1½ inch pipe which shall run
11 from the spring in a northwesterly direction to their residence.
12 The spring is located approximately 200 feet easterly from Robie
13 Creek and approximately 100 feet south of the northerly
14 boundary of the property described in Exhibit A. The
15 Biloschaetzkes are further awarded an easement for the purpose
16 of conveying the water across the property described in Exhibit A
17 along the course of that pipeline to their property described in
18 Exhibit B and for reasonable maintenance and repair of that pipe-
19 line.

20 Any excess water from that spring shall remain the private
21 property of the owner of the property described in Exhibit A.

22 7. A ditch easement shall exist across the property
23 described in Exhibit C for the benefit of and appurtenant to
24 the property described in Exhibit A for the purpose of conveying
25 up to 15 miners inches of water for the right which is determined
26 appurtenant to that property as described in Paragraph 3(a)
27 above. A similar ditch easement shall exist across the property
28 described in Exhibits A and C for the benefit of and appurtenant
to the property described in Exhibit B for the purpose of

1 conveying up to 15 miners inches of water for the right which
2 is determined appurtenant to the property as described in
3 Paragraph 3(b).

4 The ditch referred to above for which the total of 30
5 miners inches of water may be conveyed for the benefit of
6 the properties described in Exhibits A and B consists of a
7 single ditch which begins at the first point of diversion
8 described in the Afton Decree which is at a point approximately
9 716 feet east of the northwest corner of Section 30, Township 4
10 North, Range 4 East, Boise Meridian, Boise County, Idaho, and
11 proceeds generally southerly along the easterly side of the
12 properties described in Exhibit C and A to a point which is
13 approximately 200 feet northerly of the northeast corner
14 of the property described in Exhibit B at which point it runs
15 southwesterly approximately 200 feet to where it enters the
16 north boundary of the property described in Exhibit B.

17 The above ditch also serves the property described in
18 Exhibit C for the purpose of diverting the water for the right
19 described in Paragraph 3(c). The owners of the properties
20 described in Exhibits A and B shall have the right and privilege
21 of crossing along the easement for the purpose of maintaining
22 and repairing the ditch and supervising the conveyance of water
23 along the course of that ditch.

24 8. The properties described in Exhibits A and B are free
25 of any road or access easement for ingress and egress to the
26 property described in Exhibit C. No easement was ever
27 established for the benefit of the property described in Exhibit
28 C and any use of an access way or road for ingress and egress has
long since been abandoned. The property described in Exhibit C

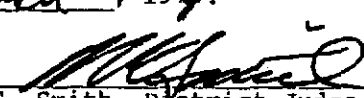
1 has as one of its boundaries the center line of the Boise County
2 Robie Creek Road and an access road from that road provides access
3 to and from the residence of Biloschaetzkes located on the property
4 described in Exhibit C.

5 9. Each of the parties, their agents, employees, attorneys,
6 servants, successors, and assigns whose appropriations of water
7 are confirmed herein, are perpetually enjoined and restrained
8 from converting the waters of Robie Creek and Mitchell Creek
9 and from the private spring referred to herein so as to in any
10 way interfere with the rights confirmed herein. The Defendants,
11 Horst O. Biloschaetzke and Gisela S. Biloschaetzke, their agents,
12 employees, attorneys, servants, successors, and assigns are
13 further enjoined and restrained from asserting a road or access
14 easement across the property described in Exhibits A and B and
15 restrained and enjoined from using the same for ingress and egress
16 to their property described in Exhibit C.

17 10. Each party, their agents, employees, attorneys, servants
18 successors, and assigns are similarly restrained and enjoined
19 from interfering with the use of the ditch easement confirmed
20 herein across the property described in Exhibits A and C for the
21 purpose of conveying water rights as decreed herein to the
22 respective tracts and from interfering with the maintenance and
23 repair of that ditch and supervising the conveyance of water
24 along the same.

25 11. Neither party is awarded any damages against the
26 other as a result of this action and each party shall assume
27 their own attorney fees and costs herein.

28 DATED this 28th day of March, 1974.


W. E. Smith, District Judge

DECREE

-7-

MICROFILMED
OCT 08 1996

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

3 Case No. 921

4 OLIN COOLEY and ROSEMARY COOLEY

5 A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30,
6 T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as
follows:

7 Commencing at the West $\frac{1}{4}$ section corner of Section 30, T.
8 4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to
the point of beginning; thence

9 North 77°09'30" East, 225.37 feet; thence
North 2°39'30" East, 167.84 feet to the center of Mitchell
Creek; thence following the center of Mitchell Creek the
following courses:

10 North 72°39'30" East, 74.52 feet;
11 North 59°21' East, 78.14 feet;
North 87°54' East, 49.89 feet;
12 North 58°06' East, 131.88 feet;
North 48°35' East, 178.50 feet;
13 North 70°31'40" East, 208.29 feet to the center of the
County Road; thence following the centerline of the
County Road the following courses:

14 South 14°48' West, 50.47 feet;
15 South 55°17' West, 216.80 feet;
South 17°03' West, 127.20 feet;
16 South 34°47' West, 131.70 feet;
South 11°22' West, 131.30 feet;
17 South 12°11' East, 91.60 feet; thence leaving the centerline
of the County Road and thence

18 South 89°06' West, 10.40 feet; thence
South 53°12' West, 95.50 feet, thence
19 South 39°57' West, 88.10 feet; thence
North 75°04' West, 341.36 feet, thence
20 North 32°11'30", West 140.00 feet to the point of beginning.

21 Contains 4.809 acres, more or less.

22
23
24
25
26
27
28 EXHIBIT A

MICROFILMED
OCT 08 1996

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

3 Case No. 921

4 EUGENE PHILLIPS and LAVONNE PHILLIPS

5
6 Part of the NW 1/4 and Part of NW 1/4 NE 1/4 of
7 Section 30, T. 4 N., R. 4 E., B.M., Boise County,
Idaho, described as follows:

8 Beginning at a point on the half section line of
9 Section 30 which is North 89°12'30" East 2049.00
feet from the West 1/4 corner of Section 30, T.
4 N., R. 4 E., B.M., thence
10 North 27°30'30" West 130.04 feet to a point, thence
11 North 33°30'30" West 313.36 feet to a point, thence
12 North 6°50'30" West 173.96 feet to a point, thence
13 North 10°20'30" West 232.40 feet to a point, thence
14 North 29°39'30" East 166.76 feet to a point, thence
15 North 9°09'30" East 156.83 feet to a point, thence
16 North 7°15' East 46.20 feet to a point on the West
bank of Robie Creek, thence
17 South 72°57' East 15.86 feet to a point on the East
bank of an irrigation ditch, thence along said
18 east bank
19 South 20°49' East 35.83 feet to a point, thence
20 South 32°11'30" East 140.0 feet to a point, thence
21 South 75°04' East 341.36 feet to a point, thence
22 South 28°20' West 84.70 feet, thence
23 South 23°25' East 183.66 feet to a steel pin, thence
24 South 80°48' East 17.45 feet to a steel pin, thence
25 North 23°37'30" East 170.51 feet to a steel pin on
26 the North bank of a small irrigation ditch, thence
27 North 66°32'30" East 83.48 feet to a point on the
28 centerline of the County Road, thence along said
centerline
South 4°59'30" West 523.53 feet, thence
South 17°49' West 122.54 feet, thence
South 8°20'30" East 180.94 feet to a point on the
half section line of Section 30, thence along said
half section line
South 89°12'30" West 388.31 feet to the real place
of beginning.

EXHIBIT B

MICROFILMED

OCT 08 1996

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

Case No. 921

HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE

Beginning at the section corner common to Sections
19 and 30, T. 4 North, R. 4 East, B.M., and
Sections 24 and 25, T. 4 North, R. 3 East, B.M.,
thence
North 89°20' East 1027.50 feet along the section
line to a point, thence
South 22°06' East 164.50 feet to a point in the
centerline of the County Road, the real place
of beginning, thence
South 36°10' West 261.60 feet to a point on the
west bank of Robie Creek, thence along said west
bank South 27°23' East 167.11 feet, thence
South 46°54' East 86.33 feet, thence
North 65°12' East 50.19 feet, thence
South 49°25' East 193.42 feet, thence
South 15°23' East 148.15 feet, thence
South 36°02' East 171.26 feet, thence
South 57°00' East 157.44 feet, thence
South 46°23' East 205.17 feet, thence
South 54°59' 30" East 167.76 feet,, thence
South 31°15' East 53.50 feet, thence
South 9°05' West 75.13 feet, thence
South 12°29' East 96.43 feet, thence
South 72°57' East 15.86 feet to a point on the
east bank of an irrigation ditch, thence along
said east bank South 20°49' East 35.83 feet to
a point, thence
North 77°09'30" East 225.37 feet to a point,
thence
North 2°39'30" East 167.84 feet to a point in the
centerline of Mitchel Creek, thence along said
centerline North 72°39'30" East 74.52 feet,
thence
North 59°21' East 78.14 feet, thence
North 87°54' East 49.89 feet, thence
North 58°06' East 131.88 feet, thence
North 48°35' East 178.50 feet, thence
North 70°31'40" East 208.29 feet to a point in the
centerline of the County Road, thence along said
centerline North 78°36' West 232.42 feet, thence
South 66°00' West 324.21 feet, thence
North 47°30' West 112.05 feet, thence
North 1°50' West 152.46 feet, thence
North 44°40' West 83.80 feet, thence
South 78°40' West 258.72 feet, thence
North 39°00' West 163.89 feet, thence
North 56°02' West 668.16 feet, thence
North 22°06' West 205.07 feet to the real place of
beginning. Said tract contains 14.509 acres more
or less.

State of Idaho }
County of Boise } SS.

E X H I B I T C

I hereby certify that the foregoing instru-
ment is a full true and correct copy of the
original on file in this office.

Dated March 8, 1989

ARLENE C. KOLAR, Clerk

By [Signature]
Deputy

MICROFILMED
OCT 08 1996

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 0005764

Date: 03/13/89
Time: 11:38:23

Received
From: BILOSCHAEZKE, HORST O.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$137.00
Total		\$137.00

MONEY ORDER

WR/NO: A63-15100 A63-00317B A63-15101

Idaho Department of Water Resources

Region: STATE

Signature: _____

*Copie to File - Typo in Original
A63-00317B was entered
incorrectly as A63-00317A
Bruce A. Johnson
Mar 11/3/89*

MICROFILMED
AUG 24 1992

WATER RIGHT NUMBER - A63-15100

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (C) NUMBER -

*** C - CURRENT OWNER ***

BILOSCHAEZKE

HORST O.

1 - HC 33, BOX 2195

2 -

3 -

CITY- BOISE

PHONE - 208-345-5690

1 - HC 33, BOX 2195

2 -

3 -

CITY- BOISE

PHONE - 208-345-5690

STATE- ID ZIP- 83706

BILOSCHAEZKE

GISELA

STATE- ID ZIP- 83706

06/01/1936

PRIORITY DATE - - +

REGION - - - +

ERROR IN REGION

J - BENEFICIAL USE

STATUS - - - +

SPRING

SOURCE - - - - +

TRIBUTARY - - - - +

SINKS

TWN

RNG

SEC

TRACT

LOT

RFLG

COUNTY

POINT OF DIVERSION - - - - +

STREAM INDEX (BLANK IF NO INDEX CODE)

04N

04E

30

SW NE NW

(15) BOISE

CODE

DESCRIPTION

PERIOD FROM

PERIOD TO

WATER USE - - - - +

DIVERSION RATE

DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

0.040

TOTAL DIV. RATE - +

TOTAL DIV. VOLUME - +

TOTAL DIV. CAPACITY - +

TOTAL CONSUMPTIVE USE - +

KW USAGE - +

TWN

RNG

SEC

TRACT

LOT

ACRES

PLACE OF USE - - - - +

DESCRIPTION

COUNTY

04N

04E

30

SE NW

43 DOMESTIC

(15) BOISE

DIVERSION MEANS - 5' DIA. CULVERT TO A DEPTH OF 12', PIPELINE TO PLACE OF USE

NON-IRRIGATION USE - DOMESTIC FOR ONE HOUSEHOLD

OTHER RIGHTS FOR SAME USE - SEE REMARKS

REMARKS - - - - +

OTHER RIGHTS FOR DOMESTIC USES:

1. A63-15101 - WATER FROM MITCHELL CREEK FOR GARDEN AND OTHER DOMESTIC USES.

2. WATER FROM SPRING IN SE1/4 OF NW1/4 FOR HOUSEHOLD PURPOSES EXCLUDING DRINKING WATER, ACCORDING TO CLAIMANT, THIS RIGHT DATES BACK TO 1896. THIS RIGHT IS MENTIONED IN DECREE FOR MITCHELL CREEK.

PREFIX TRANSLATION: ADJUDICATION CLAIM

WATER RIGHT NUMBER - A63-15100

OLD WATER RIGHT NUMBERS - - - - -
OLD WATER RIGHT NUMBERS - - - - -
NO OLD WATER RIGHT NUMBERS FOUND.

CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

DEGREE PLAINTIFF - - - - -
DEGREE DEFENDANT - - - - -
DEGREE DATE - - - - -
00/00/0000

AUDIT FIELDS - 03/09/89 PEPPERSA

COMMENTS - - - - -
NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 03/13/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C005764	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-		

RP 64N04E304250

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
DWR Records

DATA ENTRY
ENTERED
CHECKED

VERIFIED
AUG 14 1991

CERTIFIED
AUG 14 1991
WATER EXAMINER



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 2-16-95

LEGAL DESCRIPTION OF PROPERTY: Township 04N Range 04E Dep. BM
 Section 30, SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, Block SE, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

RECEIVED
MAR 23 1995

RECEIVED

MAY 05 1995

WATER RESOURCES
WESTERN REGION

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s)
Assigned by IDWR:

A63-15100, A63-15101, A63-00317A

- [] Name and Address of Former
Owner/Claimant(s)(Seller):

Missla Bitoschutake

1350 N. 33rd

Bowse, Id 83703

- [] New Owner/Claimant
(Purchaser):

Steven D. Cummings

- [] New Mailing Address:

2195 Robie Creek
Bowse Id 83706

- [] New Telephone Number: () _____

- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of
ownership, describe
proof attached:

Notice of claim to water rights acquired under state law
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New
Owner/Claimant(s)

[Signature]

Date 3-24-95

Date

- [] Signature of Former
Owner/Claimant(s):

Lisela S. Bitoschutake

Date 3-24-95

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-19-95 By: CF

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

OCT 08 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

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

READ AND APPROVED BY:

S.D.C. P135741 JH/SA

WARRANTY DEED

(INDIVIDUAL)

FOR VALUE RECEIVED GISELA S. BILOSCHAEZKE, AN UNMARRIED PERSON

Grantor , does hereby grant, bargain, sell and convey unto STEVEN D. CUMMINGS, AN UNMARRIED PERSON

the Grantee , whose current address is: HC 33 BOX 2195 ROBIE CREEK ROAD, BOISE, ID 83706
the following described real property in BOISE County, State of Idaho, more particularly described as follows, to-wit:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF COMPRISING TWO PAGES

Boise County Idaho ss
Request of

Int. View

Time 16:11 M.T.

Date March 29, 1995

155513

Rora A. Canady

By

Shirley [Signature]

Deputy

Fees \$9.00

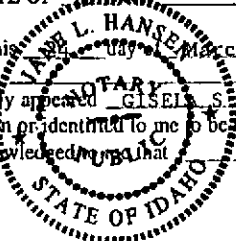
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , and Grantee heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee ; 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: March 24, 1995

Gisela S. Biloschaezke
GISELA S. BILOSCHAEZKE

STATE OF IDAHO, County of ADA, ss.

On this 29 day of March, in the year of 1995, before me THE UNDERSIGNED, a notary public, personally appeared GISELA S. BILOSCHAEZKE, known and identified to me to be the person whose name subscribed to the within instrument, and acknowledged that she executed the same.



Notary Public: *James L. Hansen*

Residing at: BOISE, IDAHO

My Commission Expires: 6-22-95

MICROFILMED

OCT 18 1996

File Number: P135741/B

PARCEL I

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD, A BOISE COUNTY ROAD, SAID POINT BEING LOCATED THE FOLLOWING COURSES FROM THE CORNER COMMON TO SECTIONS 19 AND 30, TOWNSHIP 4 NORTH, RANGE 4 EAST AND SECTIONS 24 AND 25, TOWNSHIP 4 NORTH RANGE 3 EAST, BOISE MERIDIAN:

NORTH 89 DEGREES 20' EAST, 1027.50 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 30 TO A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD;
 THENCE SOUTH 22 DEGREES 06' EAST, 369.57 FEET ALONG SAID CENTERLINE;
 THENCE SOUTH 56 DEGREES 02' EAST, 668.16 FEET ALONG SAID CENTERLINE;
 THENCE SOUTH 39 DEGREES 00' EAST, 163.89 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, SAID POINT BEING AN ANGLE POINT IN THE NORTHEASTERLY LINE OF SAID DEED BOOK 69 PAGE 178, AND RUNNING
 THENCE SOUTH 21 DEGREES 42'23" WEST, 367.33 FEET ALONG THE DIVIDING LINE CREATED BY SAID DEED BOOK 74 PAGE 96 TO AN ANGLE POINT IN THE SOUTHEASTERLY LINE OF SAID DEED BOOK 69 PAGE 178;
 THENCE SOUTH 54 DEGREES 59'30" EAST, 167.76 FEET ALONG THE BOUNDARY OF THE ORIGINAL PARCEL DESCRIBED IN SAID DEED BOOK;
 THENCE SOUTH 31 DEGREES 15' EAST, 53.50 FEET ALONG SAME;
 THENCE SOUTH 9 DEGREES 05' WEST, 75.13 FEET ALONG SAME;
 THENCE SOUTH 12 DEGREES 29' EAST, 96.43 FEET ALONG SAME;
 THENCE SOUTH 72 DEGREES 57' EAST, 15.86 FEET ALONG SAME TO A POINT ON THE EASTERLY BANK OF THE IRRIGATION DITCH;
 THENCE SOUTH 20 DEGREES 49' EAST, 35.83 FEET ALONG SAID EASTERLY BANK;
 THENCE NORTH 77 DEGREES 09'30" EAST, 225.37 FEET;
 THENCE NORTH 2 DEGREES 39'30" EAST, 167.84 FEET TO A POINT IN THE CENTERLINE OF MITCHELL CREEK;
 THENCE NORTH 72 DEGREES 39'30" EAST, 74.52 FEET ALONG SAID CENTERLINE;
 THENCE NORTH 59 DEGREES 21' EAST, 78.14 FEET ALONG SAME;
 THENCE NORTH 87 DEGREES 54' EAST, 49.89 FEET ALONG SAME;
 THENCE NORTH 58 DEGREES 06' EAST, 131.88 FEET ALONG SAME;
 THENCE NORTH 48 DEGREES 35' EAST, 178.50 FEET ALONG SAME;
 THENCE NORTH 70 DEGREES 31'40" EAST, 208.29 FEET ALONG THE CENTERLINE OF MITCHELL CREEK TO A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD;
 THENCE NORTH 78 DEGREES 36' WEST, 232.42 FEET ALONG SAID ROAD CENTERLINE;
 THENCE SOUTH 66 DEGREES 00' WEST, 324.21 FEET ALONG SAME;
 THENCE NORTH 47 DEGREES 30' WEST, 112.05 FEET ALONG SAME;
 THENCE NORTH 1 DEGREE 50' WEST, 152.46 FEET ALONG SAME;
 THENCE NORTH 44 DEGREES 40' WEST, 83.80 FEET ALONG SAME;
 THENCE SOUTH 78 DEGREES 40' WEST, 258.72 FEET ALONG SAID CENTERLINE OF ROBIE CREEK ROAD TO THE POINT OF BEGINNING.

PARCEL II

A PART OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY IDAHO

MICROFILMED

LEGAL CONTINUED

OCT 08 1996

COUNTY, IDAHO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER SECTION CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE
4 EAST, BOISE MERIDIAN;
THENCE NORTH 59 DEGREES 33' EAST, 2197.62 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 77 DEGREES 09'30" EAST, 225.37 FEET;
THENCE NORTH 2 DEGREES 39'30" EAST, 167.84 FEET TO THE CENTER OF MITCHELL CREEK;
THENCE FOLLOWING THE CENTER OF MITCHELL CREEK THE FOLLOWING COURSES:
NORTH 72 DEGREES 39'30" EAST, 74.52 FEET;
NORTH 59 DEGREES 21' EAST, 78.14 FEET;
NORTH 87 DEGREES 54' EAST, 49.89 FEET;
NORTH 58 DEGREES 06' EAST, 131.88 FEET;
NORTH 48 DEGREES 35' EAST, 178.50 FEET;
NORTH 70 DEGREES 31'40" EAST, 208.29 FEET TO THE CENTER OF THE COUNTY ROAD;
THENCE FOLLOWING THE CENTERLINE OF THE COUNTY ROAD THE FOLLOWING COURSES;
SOUTH 14 DEGREES 48' WEST, 50.47 FEET;
SOUTH 55 DEGREES 17' WEST, 216.80 FEET;
SOUTH 17 DEGREES 03' WEST, 127.20 FEET;
SOUTH 34 DEGREES 47' WEST, 131.70 FEET;
SOUTH 11 DEGREES 22' WEST, 131.30 FEET;
SOUTH 12 DEGREE 11' EAST, 91.60 FEET;
THENCE LEAVING THE CENTERLINE OF THE COUNTY ROAD AND
THENCE SOUTH 89 DEGREES 06' WEST, 10.40 FEET;
THENCE SOUTH 53 DEGREES 12' WEST, 95.50 FEET,
THENCE SOUTH 39 DEGREES 57' WEST, 88.10 FEET;
THENCE NORTH 75 DEGREES 04' WEST, 341.36 FEET,
THENCE NORTH 32 DEGREES 11'30", WEST 140.00 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION G.B.

SDC

MICROFILMED

OCT 08 1996

WARRANTY DEED

FOR VALUE RECEIVED HORST O. BILOSCHAEZKE AND GISELA S. BILOSCHAEZKE,
HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto TONY R. WEAVER AND
NOLENE B. WEAVER, HUSBAND AND WIFE

GRANTEE(S), whose current address is: HC 33 BOX 2165 BOISE, IDAHO 83706
the following described real property in BOISE County, State of Idaho,
more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) 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, (including irrigation and utility assessments, if
any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same
from all lawful claims whatsoever.

Dated: October 19, 1990

Horst O. Biloschaezke

HORST O. BILOSCHAEZKE

Gisela S. Biloschaezke

GISELA S. BILOSCHAEZKE

STATE OF IDAHO County of ADA ss

On this 22nd day of October
in the year of 1990 before me, the undersigned, a Notary
Public in and for said State, personally appeared HORST O.
BILOSCHAEZKE and GISELA S. BILOSCHAEZKE
known or identified to me to be the persons whose names
subscribed to the within instrument and acknowledged to me
they executed the same

Signature

Name

Residing at

My commission expires

Robyn Williams

Boise, ID

01-10-92

STATE OF IDAHO, COUNTY OF Boise

I hereby Certify that this instrument was filed for record at the re-
quest of Mr. Jones

s: minutes past 14:39 o'clock m.T.
this 22 day of October
1990 in my office and duly recorded in Book
of records at page 143147

Ex-Officio Recorder

By:

Deputy

Fee \$6.00

Mail to

138147

MICROFILMED

08 1996

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



EXHIBIT "A"

PARCEL B:

Beginning at the section corner common to Sections 19 and 30, T. 4 N., R. 4 E., B.M., and Sections 24 and 25, T. 4 N., R. 3 E., B.M., thence No. 89°20' E. along the section line between said sections 19 and 30, 1027.5 ft., thence S. 22°06' E. 164.50 ft., thence S. 36°10' W., 261.6 ft., thence S. 27°23' E. 167.1 ft., thence S. 46°54' E., 86.3 ft., thence No. 65°12' E. 50.2 ft., thence S. 49°25' E., 193.4 ft., thence S. 15°23' E., 148.2 ft., thence S. 36°02' E., 171.3 ft., thence S. 57°00' E., 157.4 ft., thence S. 46°23' E., 205.2 ft., thence S. 54°59½' E. 167.8 ft., thence S. 31°15' E., 53.5 ft., thence S. 9°05' W. 75.1 ft., thence S. 12°29' E. 96.4 ft., thence S. 72°57' E., 15.9 ft., thence S. 20°49' E. 68.6 ft., thence S. 38°44' E., 62.3 ft., thence S. 9°01' E. 146.7 ft., thence S. 40°26' E., 80.4 ft., thence S. 0°11' E. 92.4 ft. to a point near a lone pine tree, thence N. 67°53' E. 257.06 ft. to a steel pin on the East bank of a small irrigation ditch, the real point of beginning, thence along the ditch N. 28°20' E., 84.7 ft., thence N. 39°57' E., 88.1 ft., thence No. 53°12' E., 95.5 ft. to a steel pin on the Westerly edge of the Robio Creek road, thence N. 89°06' E., 10.4 ft. to the center line of said road, thence S. 15°51' E., 188.52 ft. to a point, thence S. 66°32½' W., 83.48 ft. to a steel pin on the North bank of a small irrigation ditch, thence S. 23°37½' W. 170.51 ft. to a steel pin, thence N. 80°48' W., 17.45 ft. to a steel pin, thence N. 23°25' W. 183.66 ft. to the real point of beginning.

Together with water rights appertaining thereto, including an easement from adjoining property for water from a spring thereon,

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WARRANTY DEED

GRANTORS, HORST O. BILOSCHAETZKE and GISELA S. BILOSCHAETZKE, husband and wife, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto DUANE K. TROUP, a single man, of HC 33, Box 2165, Boise, Idaho 83706, County of Boise, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in Boise County, State of Idaho, and being more particularly described as follows:

PARCEL B:

Beginning at the section corner common to Sections 19 and 30, T. 4 N., R. 4 E., B.M., and Sections 24 and 25, T. 4 N., R. 3 E., B.M., thence No. 89°20' E. along the section line between said sections 19 and 30, 1027.5 ft., thence S. 22°06' E. 164.50 ft., thence S. 36°10' W., 261.6 ft., thence S. 27°23' E. 167.1 ft., thence S. 46°54' E., 86.3 ft., thence No. 65°12' E. 50.2 ft., thence S. 49°25' E., 193.4 ft., thence S. 15°23' E., 148.2 ft., thence S. 36°02' E., 171.3 ft., thence S. 57°00' E., 157.4 ft., thence S. 46°23' E., 205.2 ft., thence S. 54°59½' E. 167.8 ft., thence S. 31°15' E., 53.5 ft., thence S. 9°05' W. 75.1 ft., thence S. 12°29' E. 96.4 ft., thence S. 72°57' E., 15.9 ft., thence S. 20°49' E. 68.6 ft., thence S. 38°44' E., 62.3 ft., thence S. 9°01' E. 146.7 ft., thence S. 40°26' E., 80.4 ft., thence S. 0°11' E. 92.4 ft. to a point near a lone pine tree, thence N. 67°53' E. 257.06 ft. to a steel pin on the East bank of a small irrigation ditch, the real point of beginning, thence along the ditch N. 28°20' E., 84.7 ft., thence N. 39°57' E., 88.1 ft., thence No. 53°12' E., 95.5 ft. to a steel pin on the Westerly edge of the Robie Creek road, thence N. 29°06' E., 10.4 ft. to the center line of said road, thence S. 15°51' E., 188.52 ft. to a point, thence S. 66°32½' W., 83.48 ft. to a steel pin on the North bank of a small irrigation ditch, thence S. 23°37½' W. 170.51 ft. to a steel pin, thence N. 80°48' W., 17.45 ft. to a steel pin, thence N. 23°25' W. 183.66 ft. to the real point of beginning.

Together with water rights appertaining thereto, including an easement from adjoining property for water from a spring thereon,

Boise County Idaho
Request of

Laurie L. Wynn

Time 9:00

Date 8/8/88

129639

Arlene C. Kolar

By *Dale Wynn*
Deputy

Fee 6.00

together with all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith.

The parcel is conveyed subject to taxes and assessments for the year 1988 and thereafter, and all easements, rights-of-way, restrictions and reservations apparent or of record.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, his heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 4 day of ^{August} ~~July~~, 1988.

Horst O. Biloschaetzke
HORST O. BILOSCHAETZKE

Gisela S. Biloschaetzke
GISELA S. BILOSCHAETZKE

STATE OF IDAHO)
County of Ada) ss

On this 4 day of ^{August} ~~July~~, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared HORST O. BILOSCHAETZKE and GISELA S. BILOSCHAETZKE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho

WARRANTY DEED - 2

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Louis A. Uranga
URANGA, URANGA & BIETER
714 North 5th Street
P.O. Box 1678
Boise, Idaho 83701
(208) 342-8931

Attorneys for Petitioner

MAGISTRATE'S DIVISION
DISTRICT COURT
FOURTH JUDICIAL DISTRICT
BOISE COUNTY, IDAHO

APR 2 01993

Filed COPY No.
ARLENE C. KOLAR, Clerk
By ROHAA CANODY Deputy

(12)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~IDA~~ *Boise*

In the Matter of the Estate	)	
of:	)	Case No. SP-93-00007
	)	
HORST OTTO BILOSCHAETZKE,	)	DECREE VESTING ESTATE IN
	)	SURVIVING SPOUSE
Deceased.	)	
_____	)	

Upon consideration of the Petition for Summary Administration of Estate of Which Surviving Spouse is Sole Beneficiary filed by Gisela S. Biloschaetzke on March 1, 1993, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, Horst Otto Biloschaetzke, died on December 21, 1992, domiciled in Boise County.
4. Venue is proper.
5. The decedent and Gisela S. Biloschaetzke were duly married at Johannesburg, Germany on January 30, 1953, and remained married until the date of decedent's death.
6. The surviving spouse, Gisela S. Biloschaetzke, is the sole heir or devisee of the decedent.
7. The decedent died testate, leaving a will August 15, 1986. The will was validly executed and is the last will of the decedent.
8. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 1

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properly characterizes the property as community or separate property.

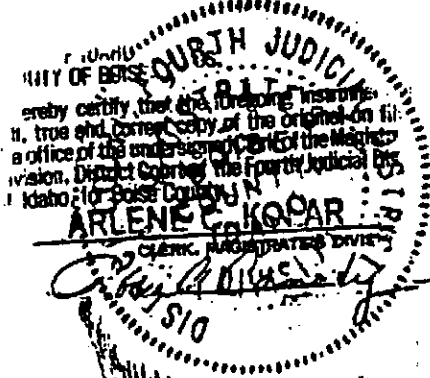
THEREFORE, it is ordered, adjudged and decreed as follows:

1. Gisela S. Biloschaetzke is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.
2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to Gisela S. Biloschaetzke free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

Dated: 4-19-93

PATRICIA G. YOUNG

MAGISTRATE



147031

BOISE COUNTY IDAHO SS
REQUEST OF

Louis L. Mangan
DATE 11

93 APR 20 PM 12:16

ARLENE C. KOLAR

James H. Lebo
\$18.00

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 2

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PROPERTY

Community

Separate

1978 Chevrolet Suburban
1968 International Truck
1963 Willys Jeep
1960 Loaf Travel trailer
Winchester Model 06-22 caliber rifle
(3) 8mm Mauser rifles
Winchester Model 12-12 gauge shotgun
Remington Model 742 30-06 caliber rifle
Remington 22 caliber rifle
14' Lone Star Boat
Craftsman table saw
Craftsman redial saw
Miscellaneous shop and yard equipment
Furniture and appliances
Miscellaneous clothing and personal effects

All real property located in Boise County, State of Idaho,
including, but not limited to the following described parcels:

Exhibit A attached hereto

Exhibit B attached hereto

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A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as follows:

Commencing at the West $\frac{1}{4}$ section corner of Section 30, T. 4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to the point of beginning; thence

North 77°09'30" East, 225.37 feet; thence
North 2°39'30" East, 167.84 feet to the center of Mitchell Creek; thence following the center of Mitchell Creek the following courses:

North 72°39'30" East, 74.52 feet;
North 59°21' East, 78.14 feet;
North 87°54' East, 49.89 feet;
North 58°06' East, 131.88 feet;
North 48°35' East, 178.50 feet;
North 70°31'40" East, 208.29 feet to the center of the County Road; thence following the centerline of the County Road the following courses:

South 14°48' West, 50.47 feet;
South 55°17' West, 216.80 feet;
South 17°03' West, 127.20 feet;
South 34°47' West, 131.70 feet;
South 11°22' West, 131.30 feet;
South 12°11' East, 91.60 feet; thence leaving the centerline of the County Road and thence

South 89°06' West, 10.40 feet; thence
South 53°12' West, 95.50 feet; thence
South 39°57' West, 88.10 feet; thence
North 75°04' West, 341.36 feet; thence
North 32°11'30", West 140.00 feet to the point of beginning.

Contains 4.809 acres, more or less.

Together with all water, water rights, ditches and ditch rights of way thereunto belonging, including 15 inches of water from Robie Creek in flood season and 1/2 of that available at other times as decreed.

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EXHIE

That portion of the parcel of land described in a Warranty Deed from Earle H. and Mable Afton to Horst O. and Gisela Biloschaetzke dated June 14, 1966 and recorded in the office of the County Recorder of Boise County in Book 69 on Page 178 that remains after deducting the parcel of land described in a Deed from Biloschaetzke to Richard E. and Carol K. Evers recorded in Book 74 on page 96 in said Recorder's office, said remaining portion being described as follows:

That portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T.4 N., R.4 E., B.M., Boise County, Idaho, being more particularly described as follows: BEGINNING AT A POINT in the centerline of Robie Creek Road, a Boise County Road, said point being located the following courses from the corner common to Sections 19 and 30, T.4 N., R.4 E. and Sections 24 and 25, T.4 N., R.3 E., B.M.:

- A.) N.89°20'E., 1027.50 feet along the northerly line of said Section 30 to a point in the centerline of Robie Creek Road; thence,
- B.) S.22°06'E., 369.57 feet along said centerline; thence,
- C.) S.56°02'E., 668.16 feet along said centerline; thence,
- D.) S.39°00'E., 163.89 feet along said centerline to the POINT OF BEGINNING, said point being an angle point in the northeasterly line of said Deed Book 69 Page 178, and running thence,
- 1.) S.21°42'23"W., 357.33 feet along the dividing line created by said Deed Book 74 Page 96 to an angle point in the southeasterly line of said Deed Book 69 Page 178; thence,
- 2.) S.54°59'30"E., 167.76 feet along the boundary of the original parcel described in said Deed Book ; thence,
- 3.) S.31°15'E., 53.50 feet along same; thence,
- 4.) S.9°05'W., 75.13 feet along same; thence,
- 5.) S.12°29'E., 96.43 feet along same; thence,

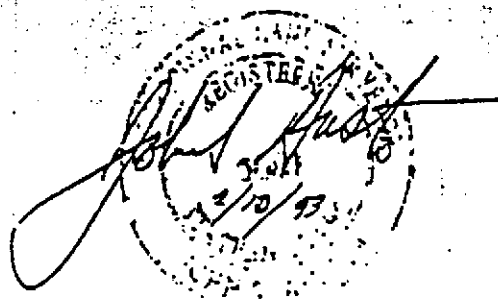
EXHIBIT B

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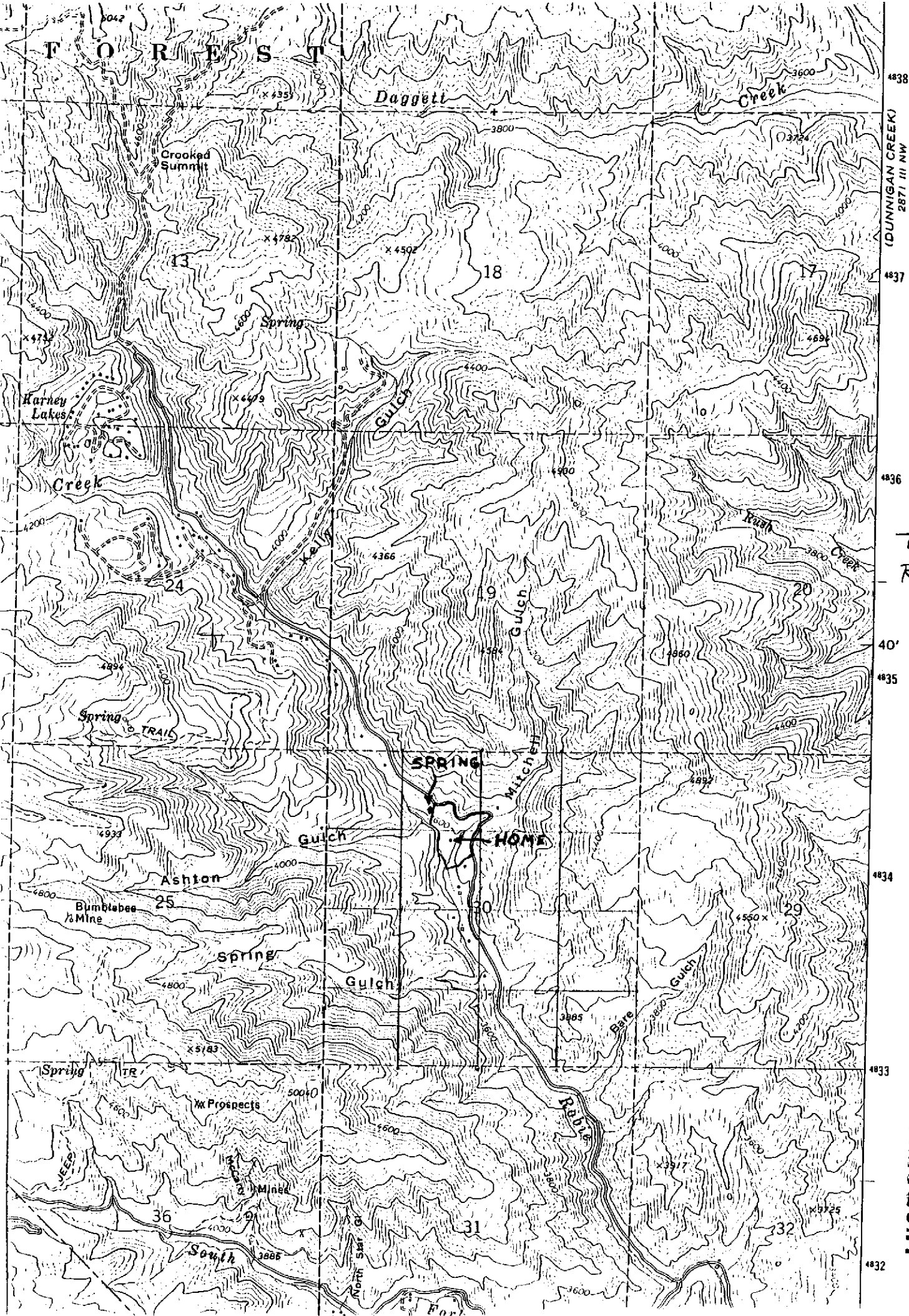
- 6.) S.72°57'E., 15.86 feet along same to a point on the easterly bank of an irrigation ditch; thence,
- 7.) S.20°49'E., 35.83 feet along said easterly bank; thence,
- 8.) N.77°09'30"E., 225.37 feet; thence,
- 9.) N.2°39'30" E., 167.84 feet to a point in the centerline of Mitchell Creek; thence,
- 10.) N.72°39'30"E., 74.52 feet along said centerline; thence,
- 11.) N.59°21"E., 78.14 feet along same; thence,
- 12.) N.87°54'E., 49.89 feet along same; thence,
- 13.) N.58°06'E., 131.88 feet along same; thence,
- 14.) N.48°35'E., 178.50 feet along same; thence,
- 15.) N.70°31'40"E., 208.29 feet along the centerline of Mitchell Creek to a point in the centerline of Robie Creek Road; thence,
- 16.) N.78°36'W., 232.42 feet along said road centerline; thence,
- 17.) S.66°00'W., 324.21 feet along same; thence,
- 18.) N.47°30'W., 112.05 feet along same; thence,
- 19.) N.1°50'W., 152.46 feet along same; thence,
- 20.) N.44°40'W., 83.80 feet along same; thence,
- 21.) S.78°40'W., 258.72 feet along said centerline of Robie Creek Road to the POINT OF BEGINNING.

This parcel contains 7.51 Acres of land, more or less.



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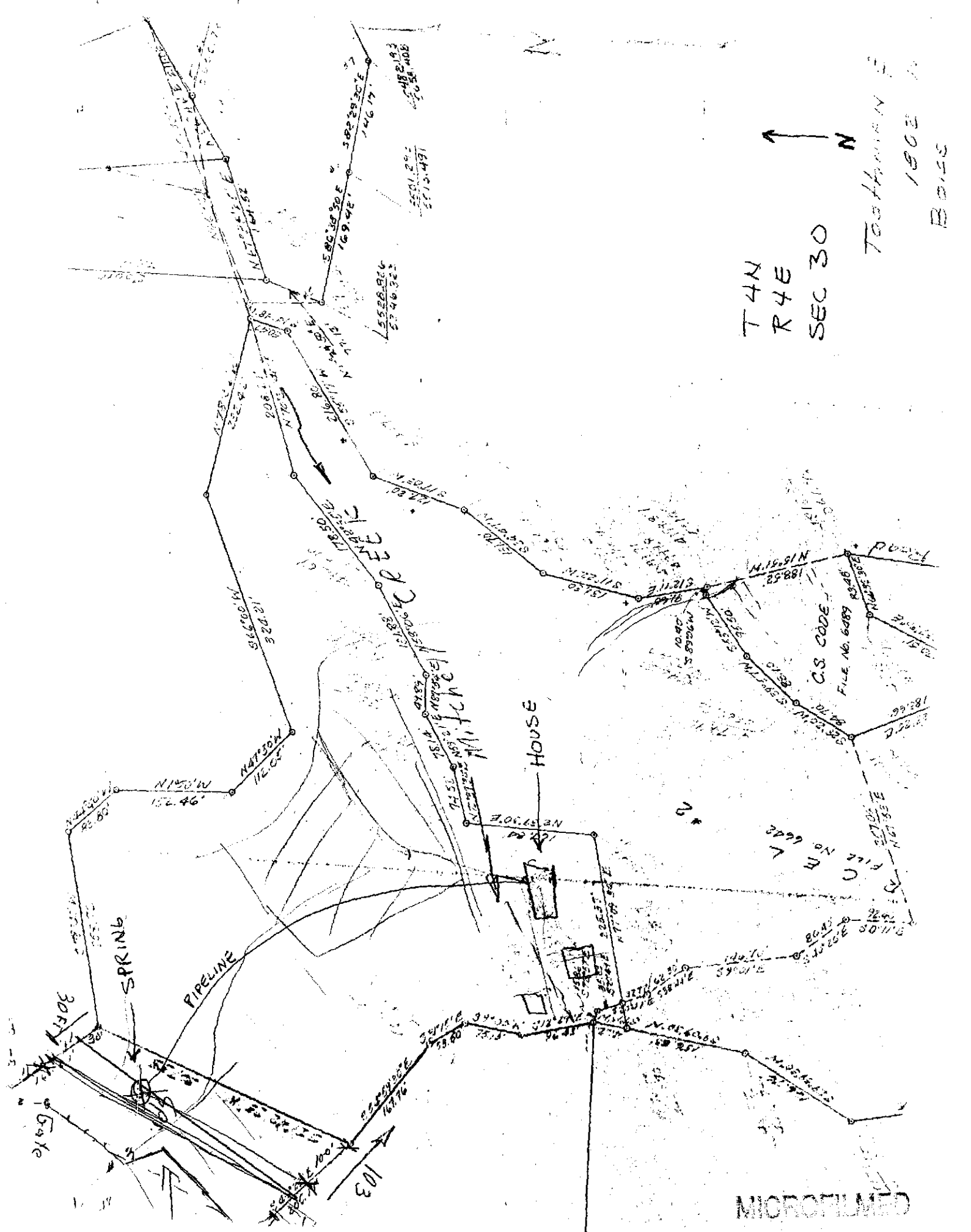


4838
(DUNNIGAN CREEK) 2871 III NW
4837
4836
40'
4835
4834
4833
4832

T4N
R4E

MICROFILMED

AUG 24 1992



T4N
R4E
SEC 30

TOOTHMAN
1902
BOSS

MICROFILMED

AUG 24 1992