

A63-15101

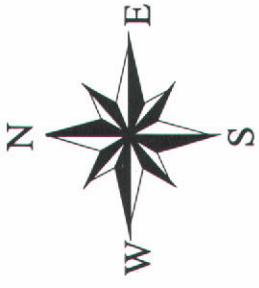
PHOTOS TAKEN: 11/05/2001



PHOTO # 1
IRRIGATION AND
DOMESTIC PLACES OF
USE

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES

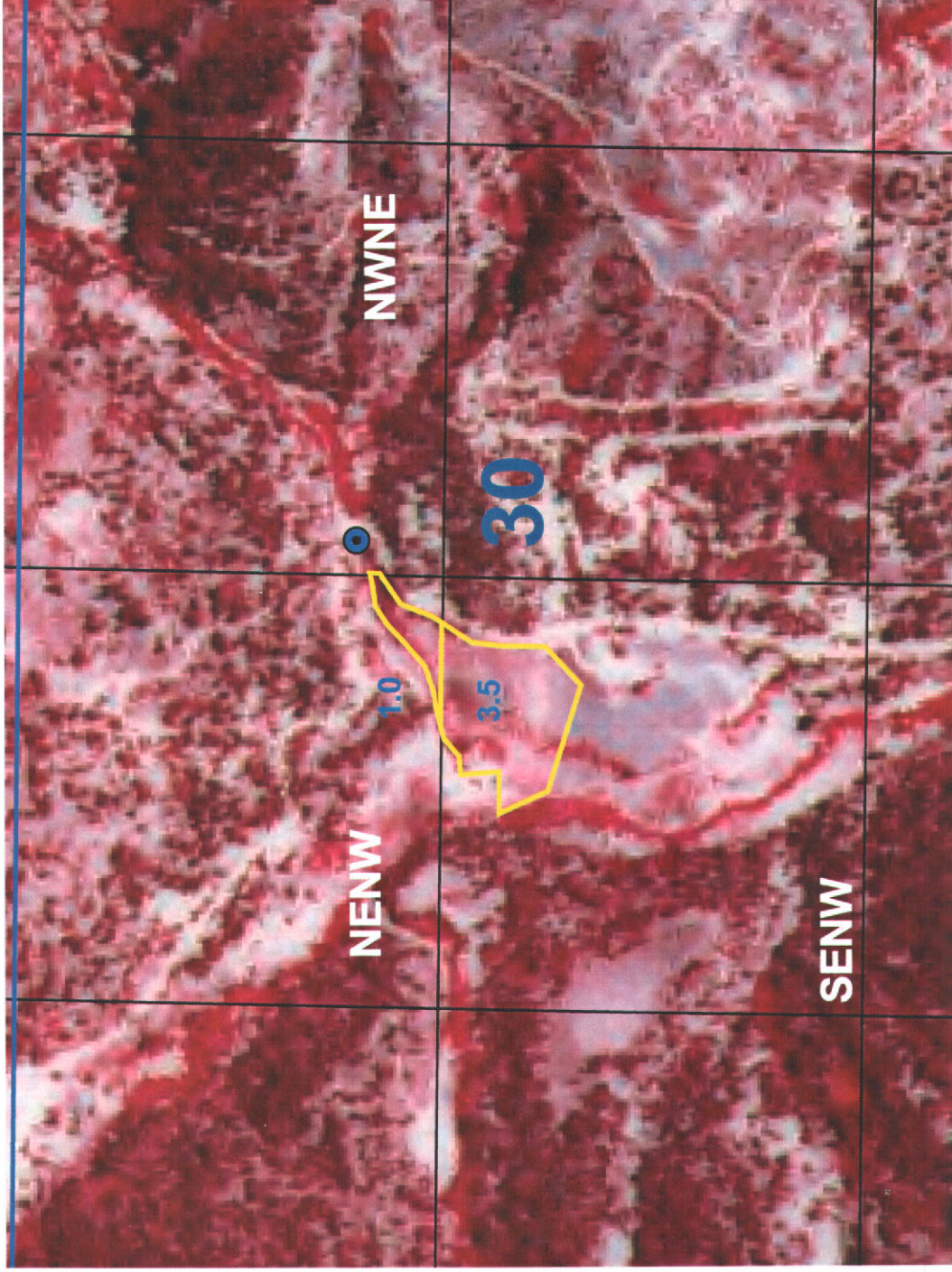


SECTION LINES



6 ACRES

6 SECTION NUMBERS



CLAIM(S): 63-15101

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

by: Mel Schulte

0.75 Miles

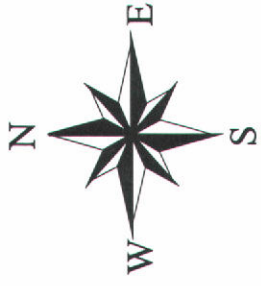
0.5

0.25

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IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

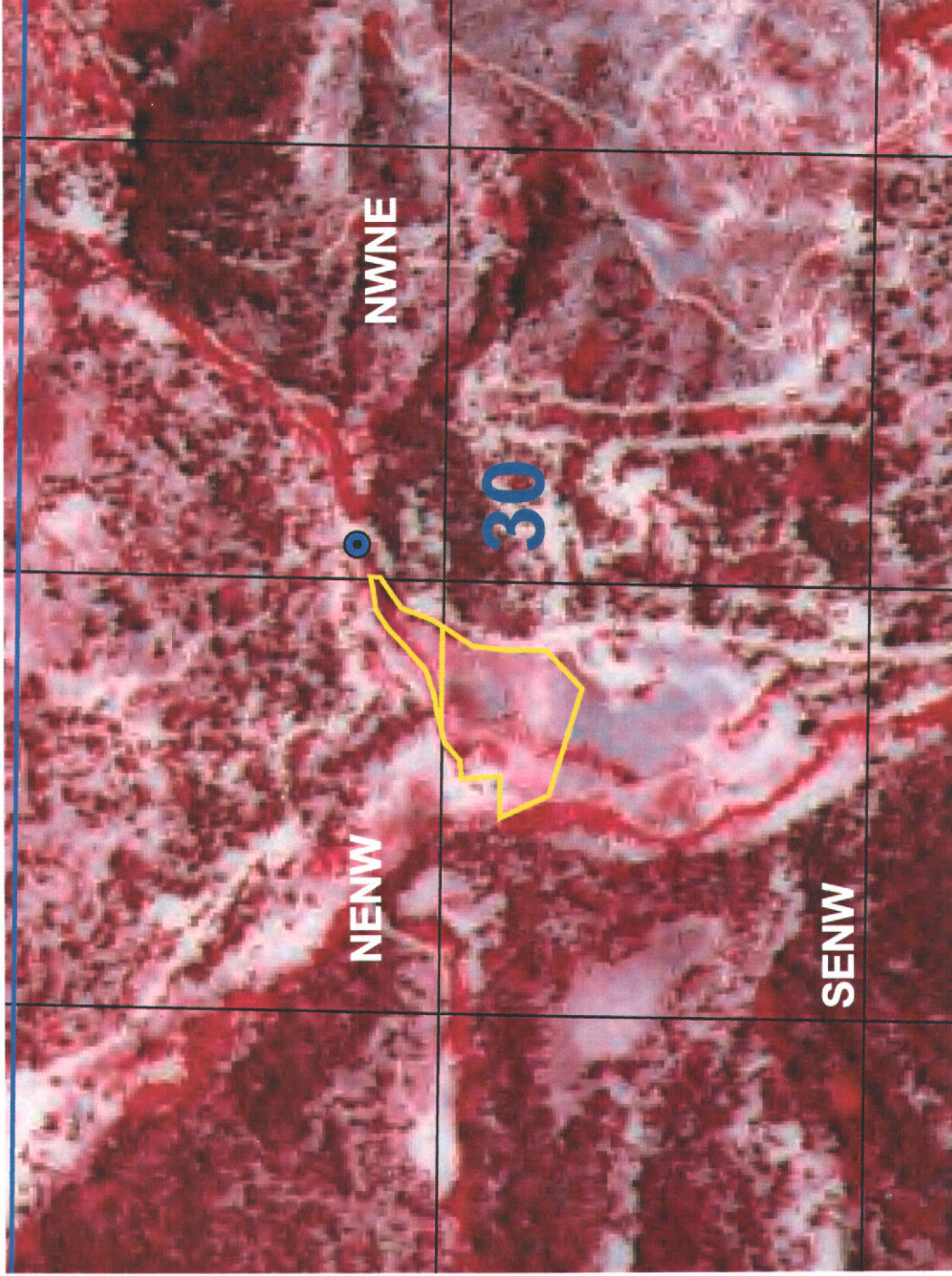
6 SECTION NUMBERS

CLAIM(S): 63-15101

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

by: Mel Schulte

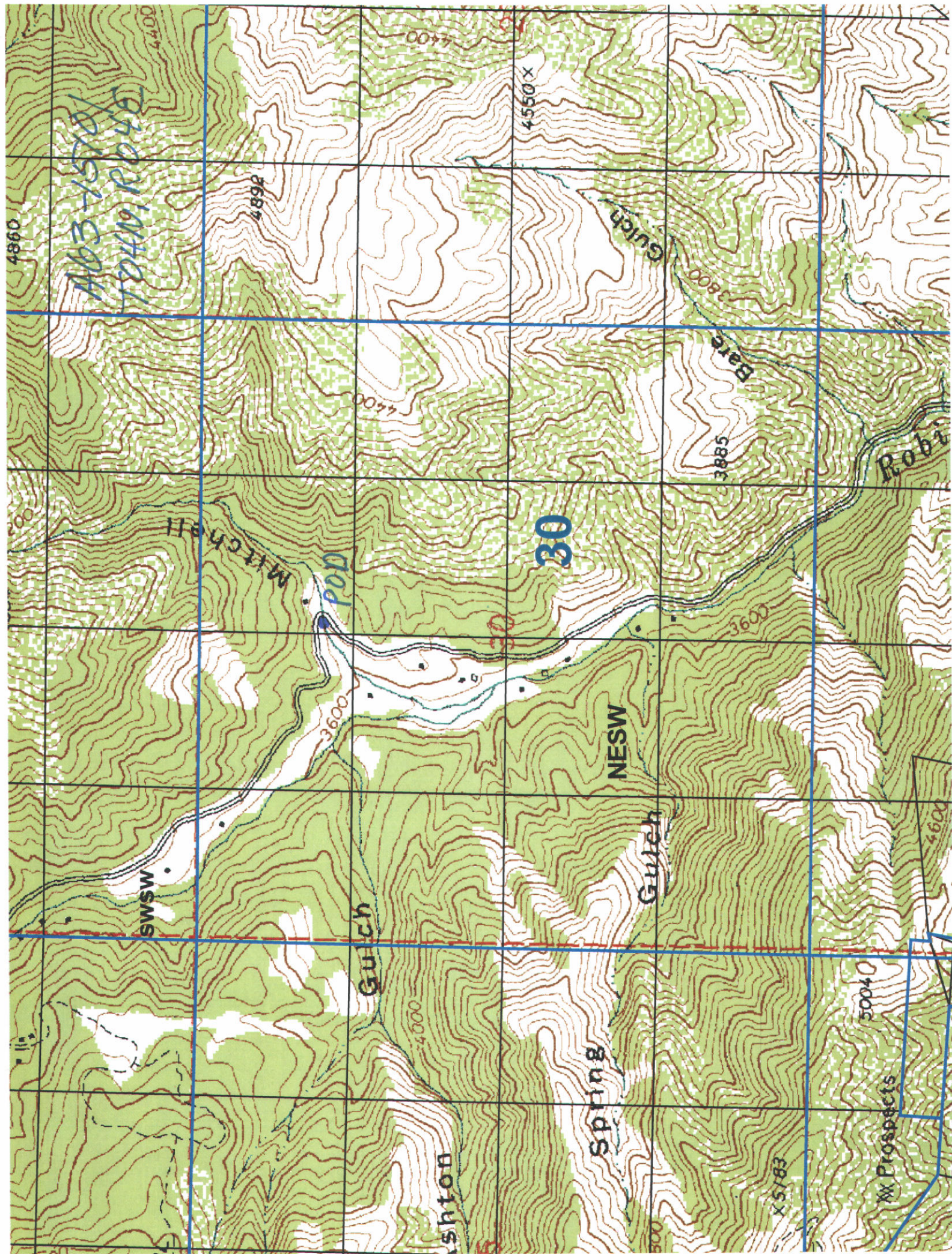


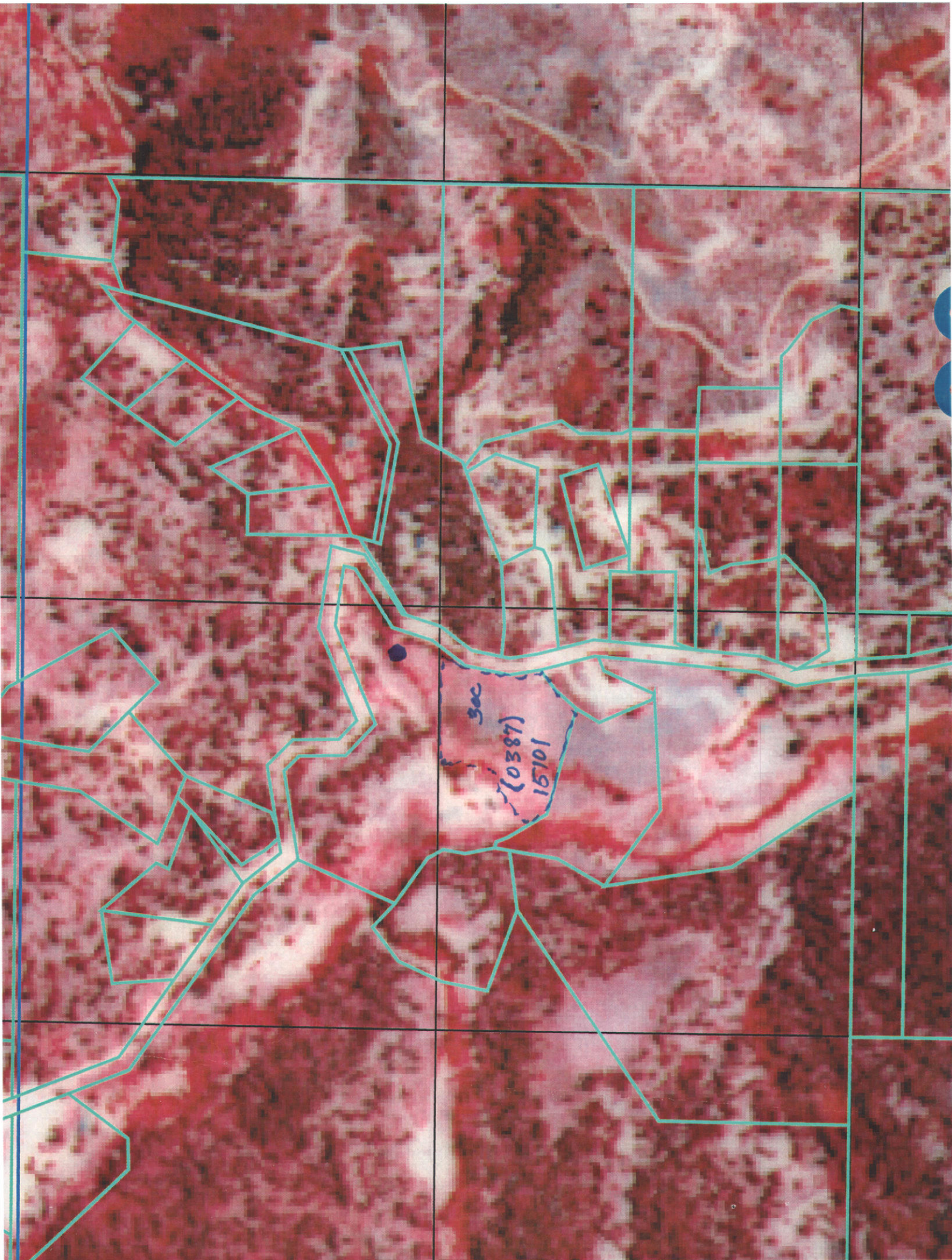
0.75 Miles

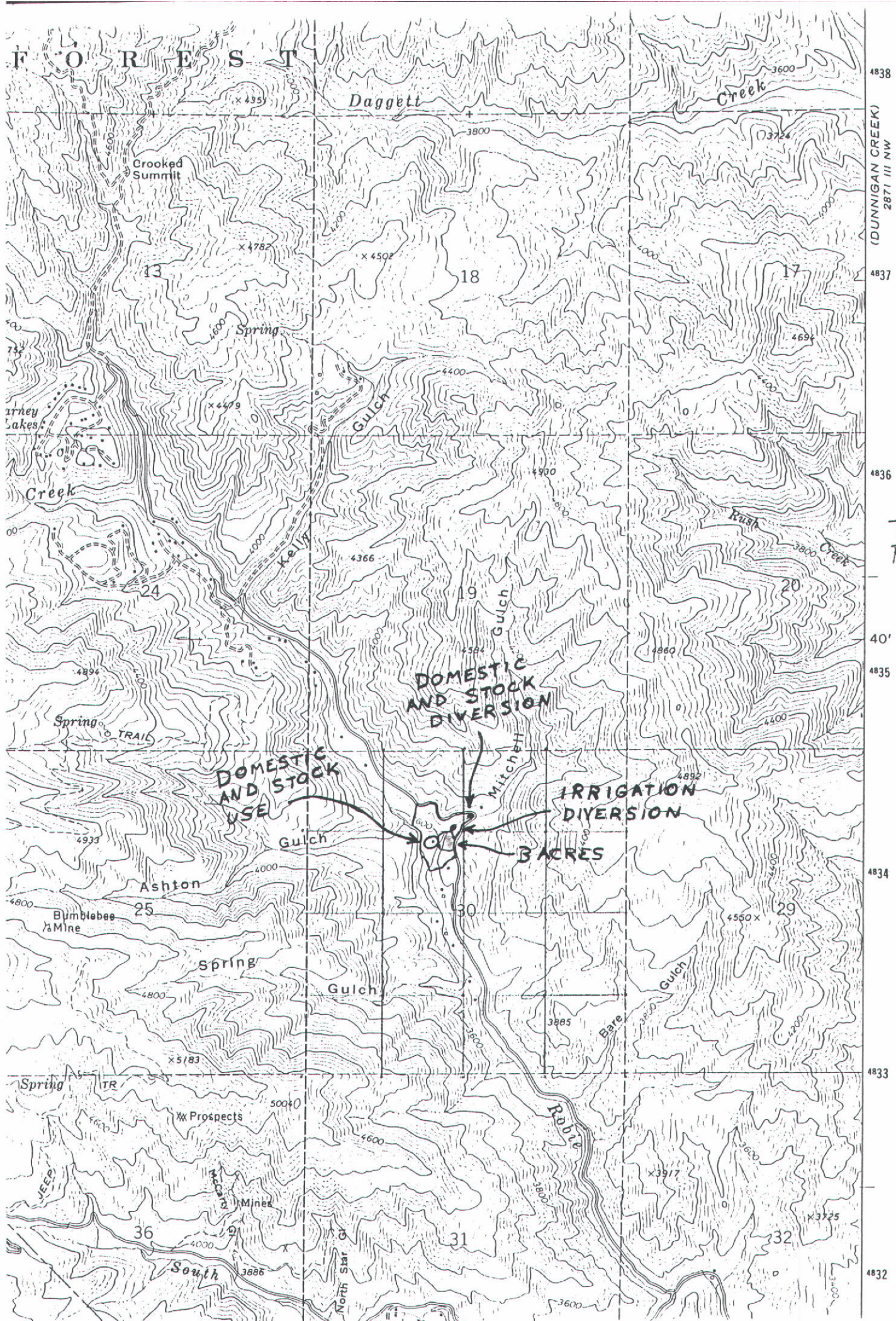
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4838
4837
4836
40'
4835
4834
4833
4832

(DUNNIGAN CREEK)
2871 III NW

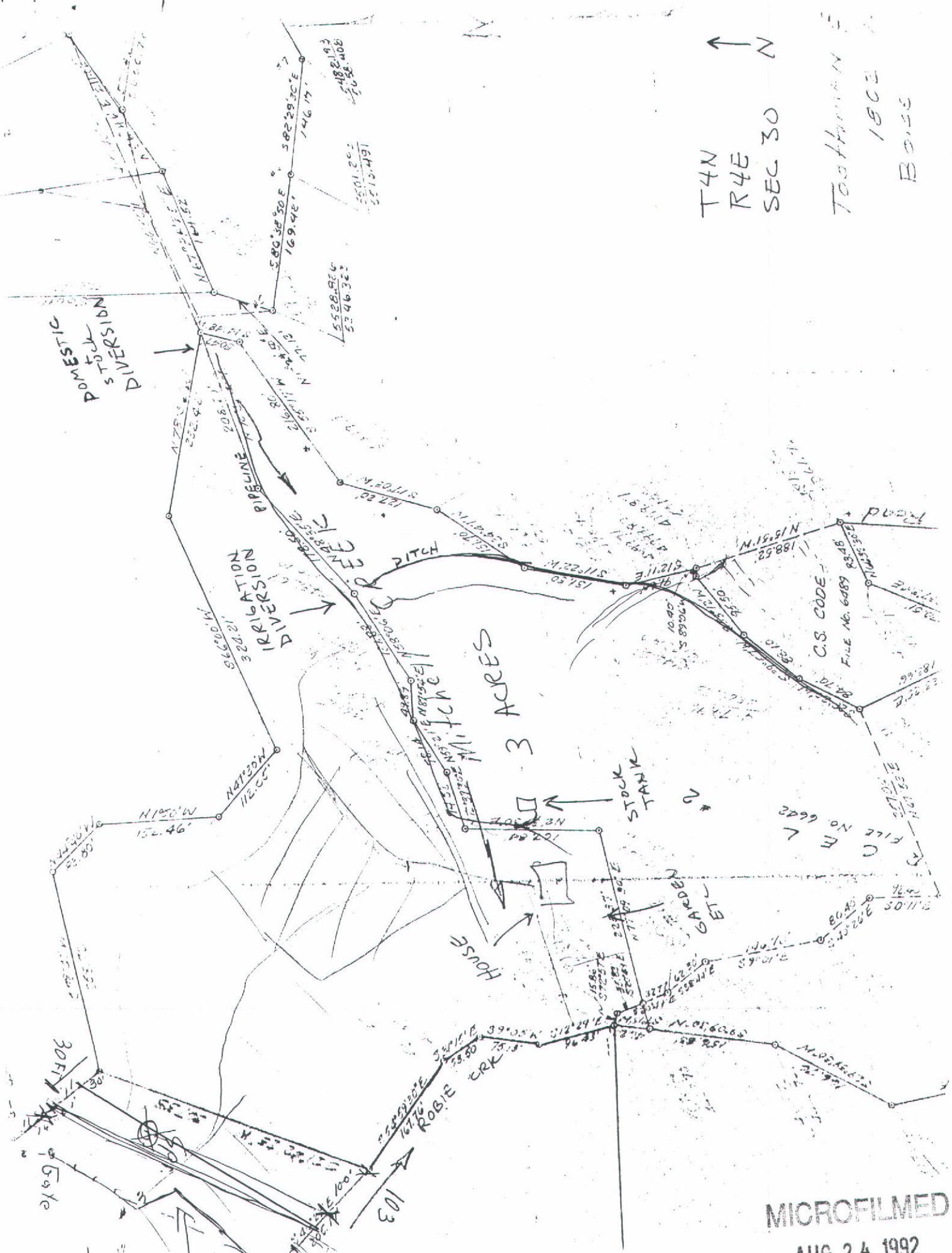
T4N
R4E

MICROFILMED

AUG 24 1992

T4N
R4E
SEC 30

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1803
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MICROFILMED

AUG 24 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-15101
Date Received: 3/13/1989
Receipt No: C005764
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEVEN D CUMMINGS Phone:
545 ROBIE CREEK
BOISE ID USA 83716

2. Date of Priority: 06/02/1966

3. Source: MITCHELL CREEK , MITCHELL CREEK Trib. to: ROBIE CREEK , ROBIE CREEK

4. Point of Diversion:

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

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.3	
STOCKWATER	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

04N	04E	30	SE	NW	IRRIGATION	4.5
			SE	NW	DOMESTIC	
			SE	NW	STOCKWATER	
					Section Acres	4.5
					Total Acres	4.5

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

DIVERSION IN SW1/4 OF NW1/4 OF NE1/4 IS FOR DOMESTIC AND STOCK- WATER. IT IS A COLLECTION BUCKET WITH A 2" PIPELINE TO PLACE OF USE. DIVERSION IN SE1/4 OF NE1/4 OF NW1/4 IS FOR IRRIGATION. IT IS A ROCK AND PLASTIC SHEET DIVERSION WITH DITCH TO PLACE OF USE. * OTHER RIGHTS FOR IRRIGATION, DOMESTIC, AND STOCKWATER: 1. 63-00317 - WATER FROM ROBIE CREEK FOR IRRIGATION OF 12 ACRES AND FOR STOCKWATER (SEE CLAIM #A63-00317A).

2. A63-15100 - WATER FROM SPRING FOR DOMESTIC USES.

3. 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

15. Basis of Claim: Decreed

16. Signature(s)

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: A63-15101
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 2, 1966

3. Source: MITCHELL CREEK

Trib. to: ROBIE CREEK

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC FOR ONE HOME/GARDEN, STOCK FOR 12 HEAD (MIXED STOCK)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NW		IRR	3.0

COPIED
OCT 08 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	30	SE	NW	DOMEST	
			SE	NW	STOCK	
					Section Acres	3.0
					Total Acres	3.0

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:
SEE REMARKS

14. Remarks:

DIVERSION IN SW1/4 OF NW1/4 OF NE1/4 IS FOR DOMESTIC AND STOCK-WATER. IT IS A COLLECTION BUCKET WITH A 2" PIPELINE TO PLACE OF USE. DIVERSION IN SE1/4 OF NE1/4 OF NW1/4 IS FOR IRRIGATION. IT IS A ROCK AND PLASTIC SHEET DIVERSION WITH DITCH TO PLACE OF USE.

OTHER RIGHTS FOR IRRIGATION, DOMESTIC, AND STOCKWATER:

1. 63-00317 - WATER FROM ROBIE CREEK FOR IRRIGATION OF 12 ACRES AND FOR STOCKWATER (SEE CLAIM #A63-00317A).
2. A63-15100 - WATER FROM SPRING FOR DOMESTIC USES.
3. 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: DECREED

Case Number: 921

Court : 4TH

Decree date: 3/28/1979

COOLEY AND PHILLIPS
Decree Plaintiff

BILOSCHAETZKE AND HOOVER
vs Decree Defendant

MICROFILMED

OCT 08 1996

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: A63-15101

Date Received: 3/13/89

Receipt No: C005764

Received By: Y

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 02, 1966

3. Source: MITCHELL CREEK Trib. to: ROBIE CREEK

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOME/GARDEN, STOCK FOR 12 HEAD (MIXED STOCK)

A63-15101

Page 1

Date: 03/09/89

MICROFILMED

AUG 24 1992

10. Place of Use:

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

Amended
11-5-2001.
Acres
~~3.0~~ 4.5

Section Acres ~~3.0~~ 4.5

Total Acres ~~3.0~~ 4.5

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:

DIVERSION IN SW1/4 OF NW1/4 OF NE1/4 IS FOR DOMESTIC AND STOCK-WATER. IT IS A COLLECTION BUCKET WITH A 2" PIPELINE TO PLACE OF USE. DIVERSION IN SE1/4 OF NE1/4 OF NW1/4 IS FOR IRRIGATION. IT IS A ROCK AND PLASTIC SHEET DIVERSION WITH DITCH TO PLACE OF USE.

OTHER RIGHTS FOR IRRIGATION, DOMESTIC, AND STOCKWATER:

1. 63-00317 - WATER FROM ROBIE CREEK FOR IRRIGATION OF 12 ACRES AND FOR STOCKWATER (SEE CLAIM #A63-00317A).

2. A63-15100 - WATER FROM SPRING FOR DOMESTIC USES.

3. 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: DECREED

Case Number: 921

Court : 4TH

Decree date: 3/28/1979

COOLEY AND PHILLIPS
Decree Plaintiff

vs

BILOSCHAEZKE AND HOOVER
Decree Defendant

16. Signature(s)

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

Number of attachments: 5

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): Thos O. Bilowichukhe Date: March 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

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *112*

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-15101

2004 NOV 5 AM 10 56

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

SOURCE: MITCHELL CREEK TRIBUTARY: ROBIE CREEK

QUANTITY: 0.17 CFS

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

PRIORITY DATE: 06/02/1966

POINT OF DIVERSION: T04N R04E S30 SNNWNE Within Boise County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.14 CFS
Stockwater	01-01 TO 12-31	0.02 CFS
Domestic <i>VCM</i>	01-01 TO 12-31	0.01 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 WATERMASTER 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 S30	SENW 3.5
	4.5 Acres Total	
	Stockwater	Within Boise County
	T04N R04E S30	SENW
	Domestic	Within Boise County
	T04N R04E S30	SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC
USE AND 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).

Ron

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 63-15101
(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: Steven D Cummings
Address: 545 Robie Creek
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):

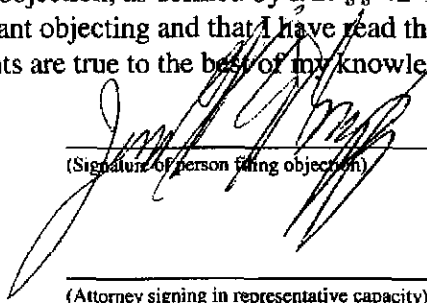
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions 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)

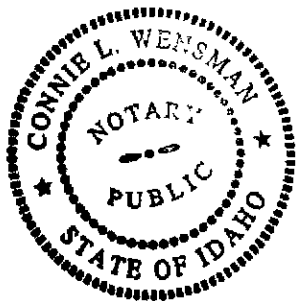
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

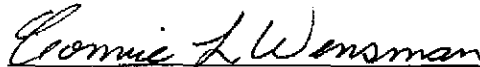

(Signature of person filing objection)

(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: Steven D Cummings

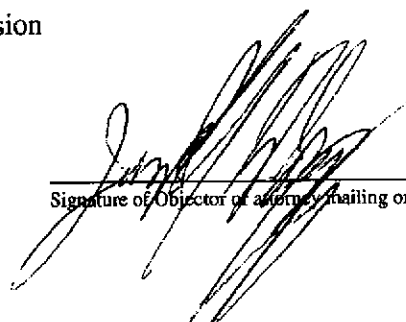
Address: 545 Robie Creek
Boise, ID 83716

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.

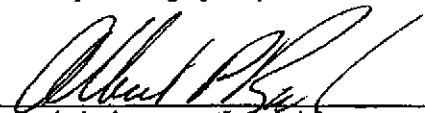
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

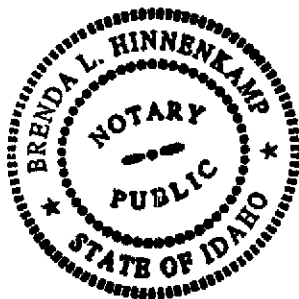
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)


(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 Ottowa Ct
Boise ID 83709

63-4629A

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

63-5101

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

63-31328

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

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

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

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

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

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

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

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-5161B
Dwaine Wright
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

02/26/2002

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

RIGHT NUMBER: 63-15101

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

SOURCE: MITCHELL CREEK

TRIBUTARY: ROBIE CREEK

QUANTITY: 0.17 CFS

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

PRIORITY DATE: 06/02/1966

POINT OF DIVERSION:

T04N R04E S30 SWNWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.140 CFS
DOMESTIC	01/01 12/31	0.010 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S30 NENW 1.0 T04N R04E S30 SENW 3.5

DOMESTIC Within BOISE County

T04N R04E S30 SENW

STOCKWATER Within BOISE County

T04N R04E S30 SENW

4.5 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
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

STOCKWATER, 12 RANGE CATTLE & HORSES
DOMESTIC USE IS 1 HOME
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-386 &
63-387.

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

CLAIM NO(s). 463-15701

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: 6-2-1966
(If the priority date, based on your exam, seems questionable, explain below.)

as decreed

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: Mitchell Creek

4. ☐ No Change — POINT OF DIVERSION

* ☒ Point of diversion is different than the claim and/or new P/D's:

Township 4N Range 4E Section 30 1/4 _____ 1/4 NW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

* POD in NENW, S30 is no longer used.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use Ar. From 3-15 To 11-15 Amount .14 CFS AFA
 * Use Dom. From 1-1 To 12-31 Amount .01 CFS AFA
 Use Stock From 1-1 To 12-31 Amount .02 CFS AFA

7. ☐ No Change - TOTAL VOLUME

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

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

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: 1 Stock # 12 List types:

* Additional comments: Decreased amount for Domestic (63-386) is 2 gal./min

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

Use: Ar Township 4N Range 4E Section 30 1/4 NE 1/4 NW 1.0
 Use: " Township " Range " Section " 1/4 SE 1/4 NW 3.5
 Use: Stock Township " Range " Section " 1/4 " 1/4 "
 Use: Dom Township " Range " Section " 1/4 " 1/4 "

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

C18, N9, N14, Exp - Stock + Combos 386 & 387.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11-5-2001

FIELD EXAMINER:

Print Name

Mel Schulte
Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-386

WATER RIGHT NUMBER: 63-386

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HORST_O BILOSCHAETZKE
	, ID
Current Owner	GISELA S BILOSCHAETZKE
	, ID

Priority Date: 06/01/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MITCHELL CREEK	ROBIE CREEK

<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

MITCHELL CREEK

Sec. 30, Twp 04N, Rge 04E, B.M.

Place of UseDOMESTIC 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 & P/U INCOMPLETE.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-386

WATER RIGHT NUMBER: 63-386

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HORST_O BILOSCHAETZKE
	, ID
Current Owner	GISELA S BILOSCHAETZKE
	, ID

Priority Date: 06/01/1966

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
MITCHELL CREEK	ROBIE CREEK

<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

MITCHELL CREEK

Sec. 30, Twp 04N, Rge 04E, B.M.

Place of UseDOMESTIC Within BOISE County

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

Conditions of Approval:Remarks:

- General P/D & P/U INCOMPLETE.
NOTE: THIS RT. MAY BE COMBINED WITH RT. 63-00387 AND CLAIMED UNDER NO. A63-15101. SEE DECREE 63-L FOR INFORMATION CONCERNING THE WATERS OF MITCHELL CREEK. KW 1/16/1996

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-387

WATER RIGHT NUMBER: 63-387

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSEMARY COOLEY

	, ID
Current Owner	OLIN COOLEY

, ID

Priority Date: 06/02/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MITCHELL CREEK	ROBIE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		0.300 CFS	
	<u>Total Diversion:</u>		0.300 CFS	

Location of Point(s) of Diversion

MITCHELL CREEK

Place of UseIRRIGATION Within BOISE County

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

Conditions of Approval:Remarks:

1. General P/D INCOMPLETE. SEE DECREE.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-387

WATER RIGHT NUMBER: 63-387

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OLIN COOLEY
	, ID
Current Owner	ROSEMARY COOLEY
	, ID

Priority Date: 06/02/1966

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
MITCHELL CREEK	ROBIE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

MITCHELL CREEK

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

Place of Use

IRRIGATION Within BOISE County

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

Conditions of Approval:Remarks:

- General P/D INCOMPLETE. SEE DECREE.
NOTE: THIS RT. MAY BE COMBINED WITH RT. 63-00386 AND CLAIMED UNDER NO. A63-15101. SEE DECREE 63-L FOR INFORMATION CONCERNING THE WATERS OF MITCHELL CREEK. KW 1/16/1996

Comments:Dates and Other Information:

A63-15101

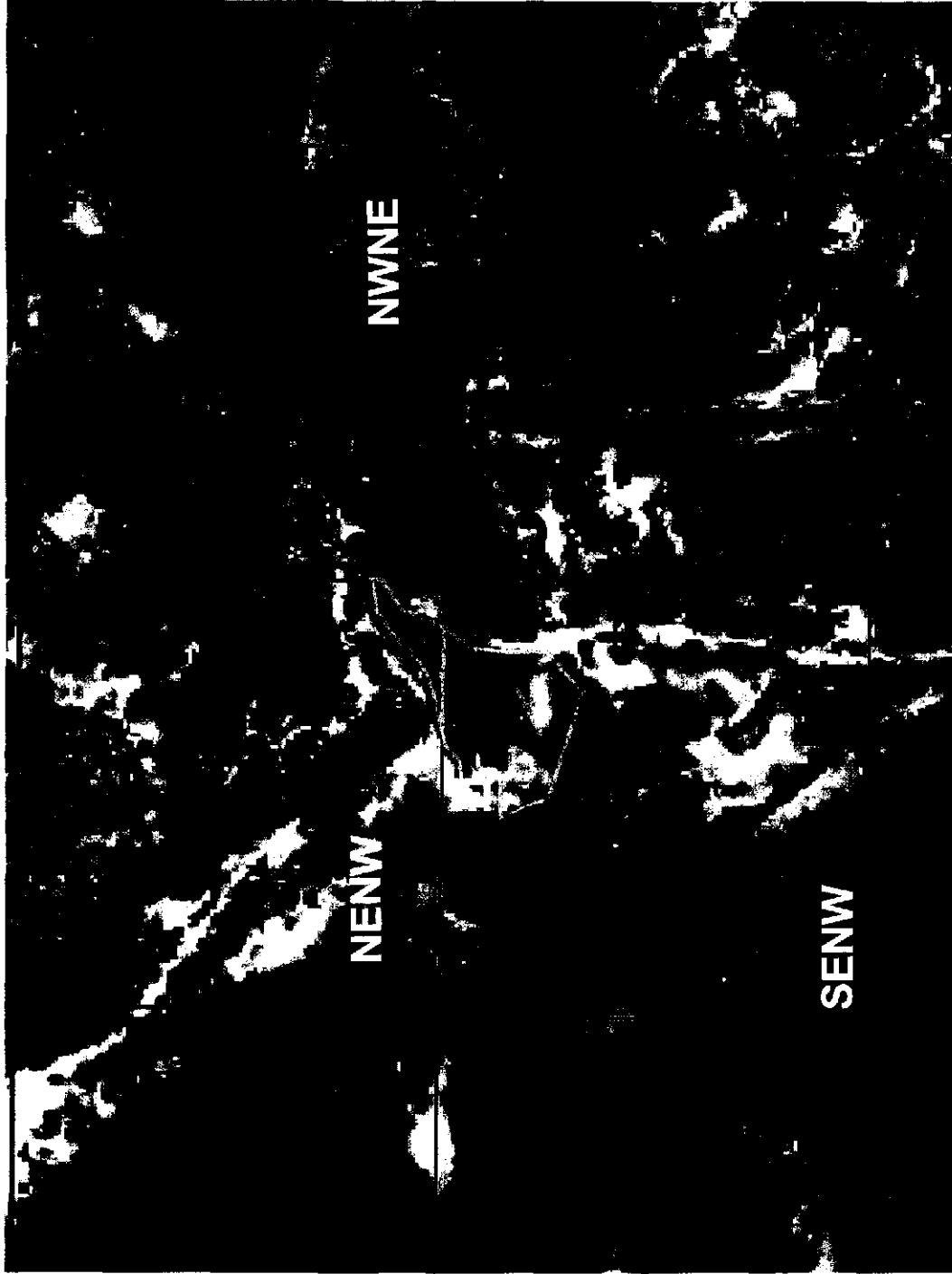
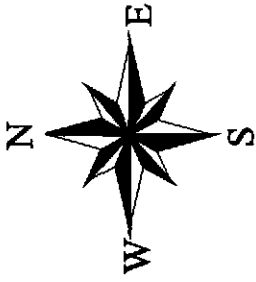
PHOTOS TAKEN: 11/05/2001



PHOTO # 1
IRRIGATION AND
DOMESTIC PLACES OF
USE

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15101

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

by: Mel Schulte

0.75 Miles

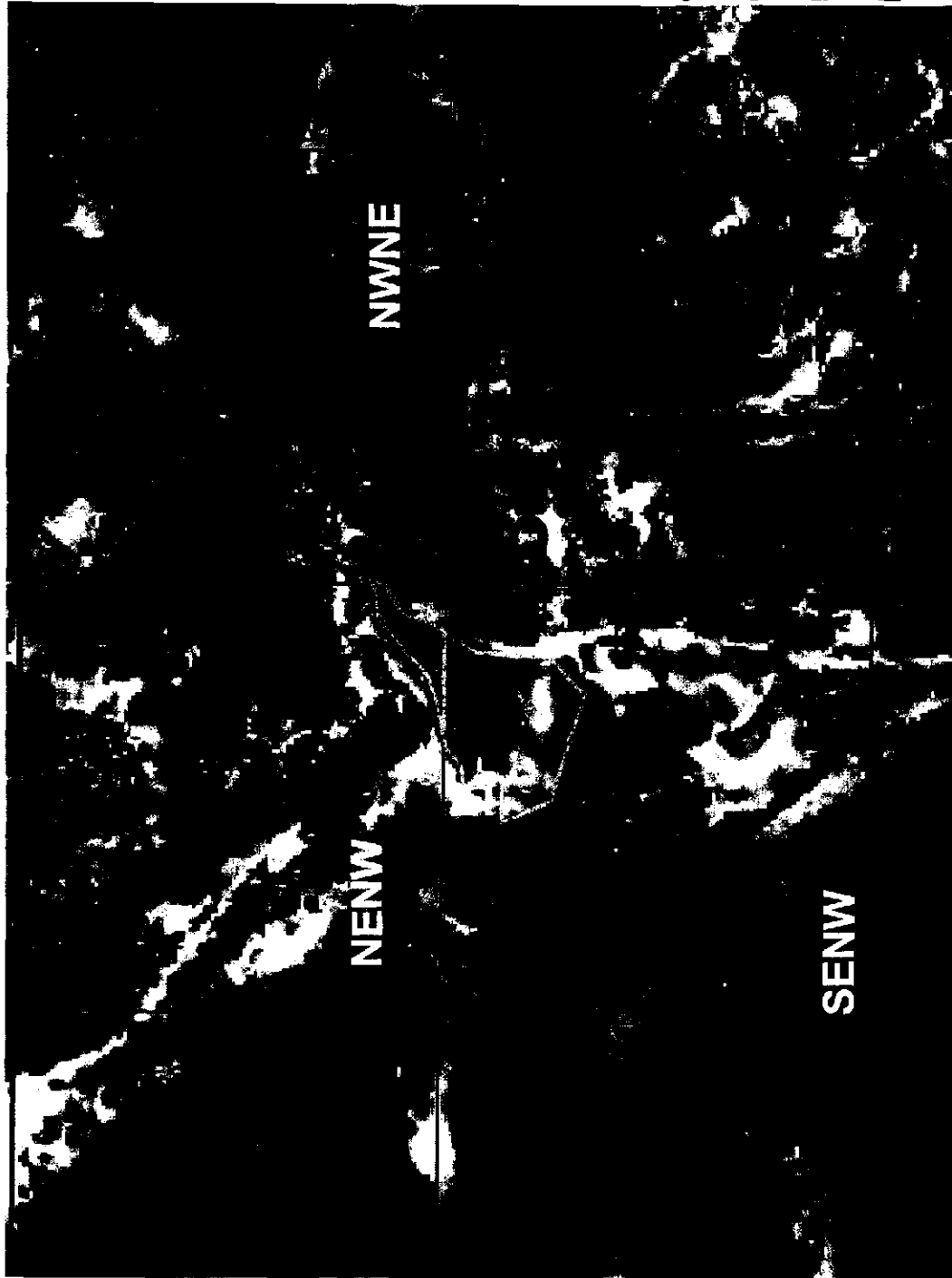
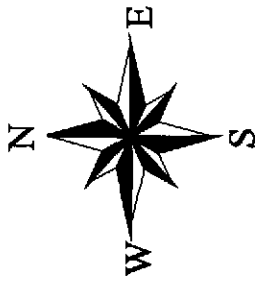
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15101

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

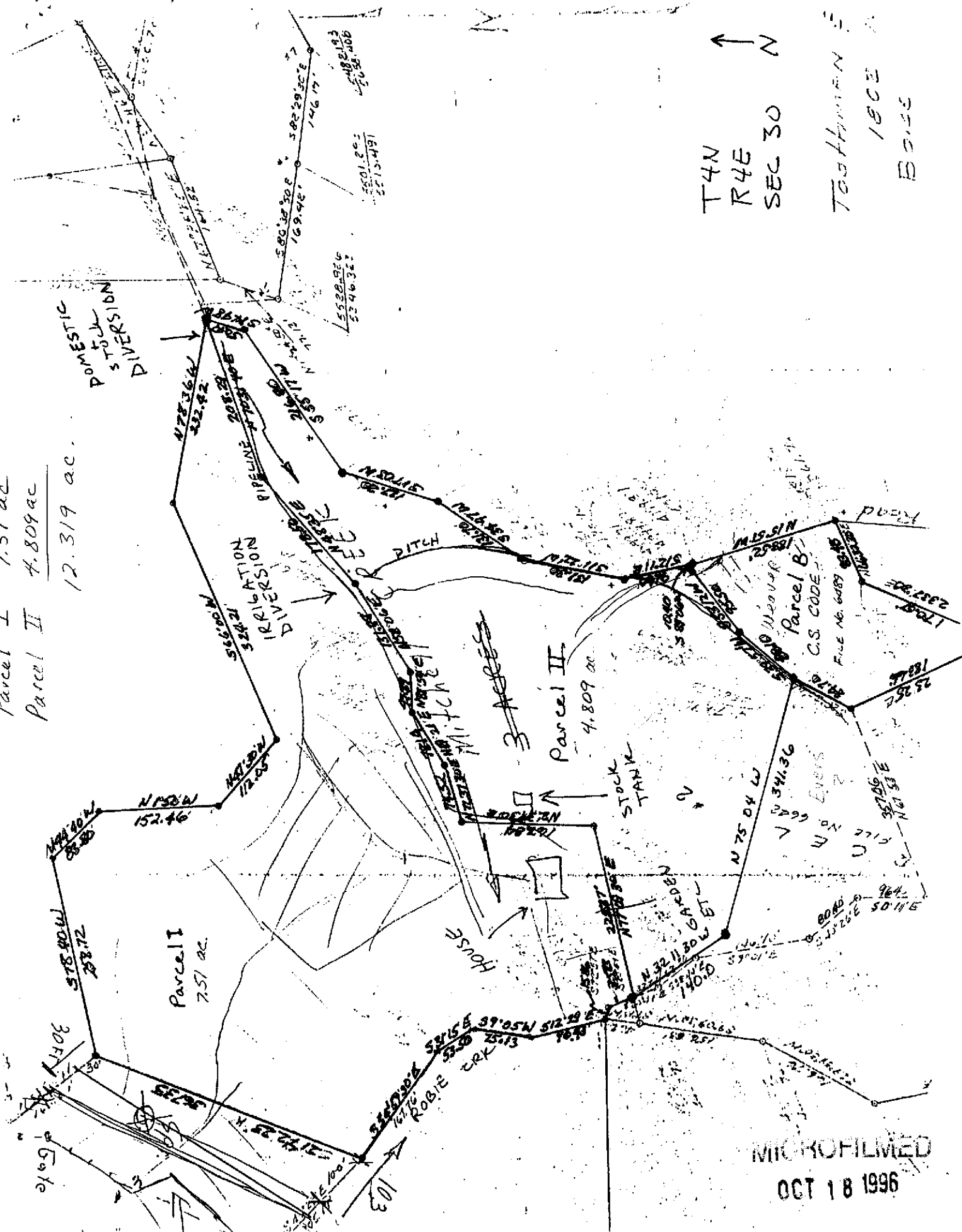
by: Mel Schulte

0 0.25 0.5 0.75 Miles

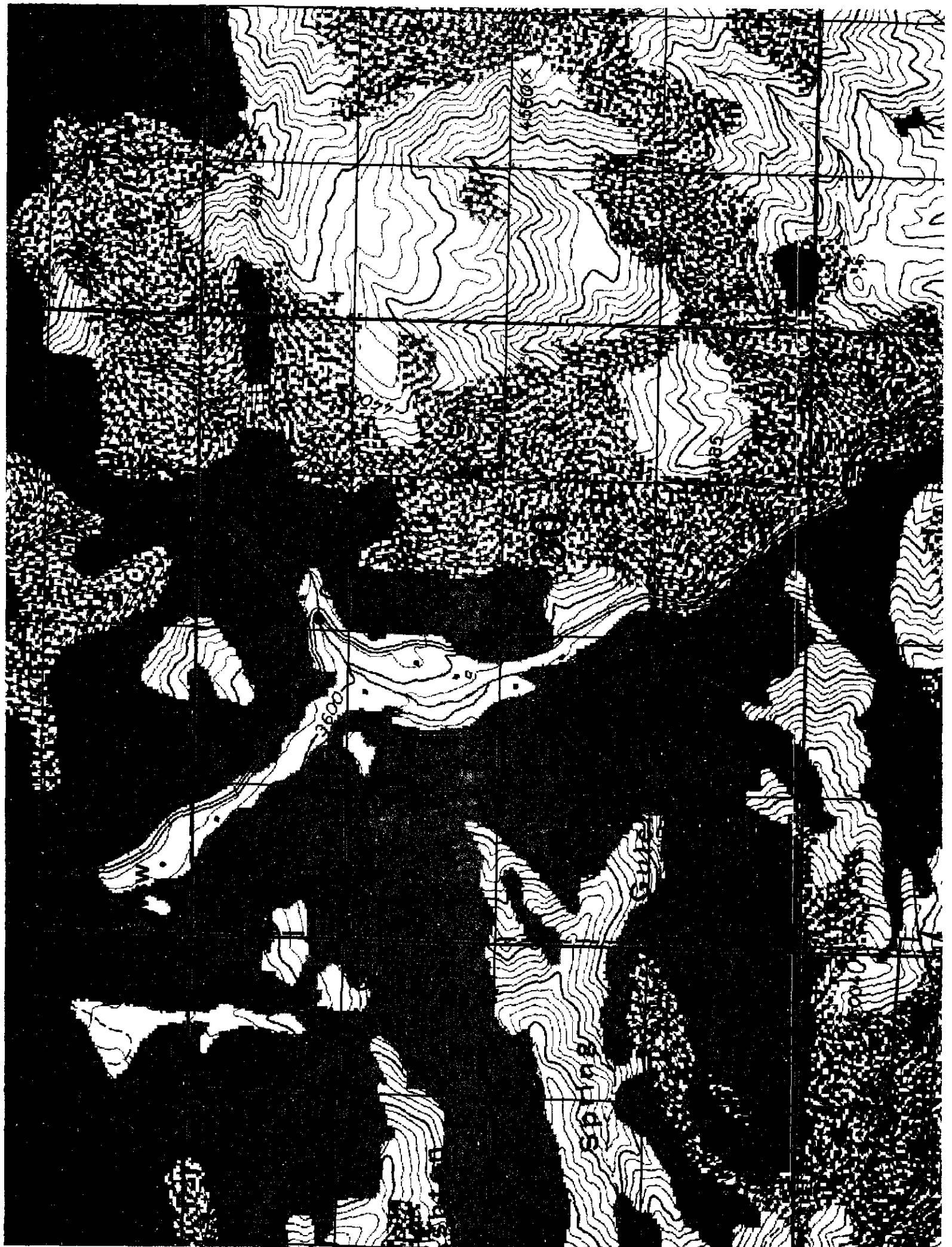
Parcel I 7.51 ac
 Parcel II 4.809 ac
 12.319 ac.

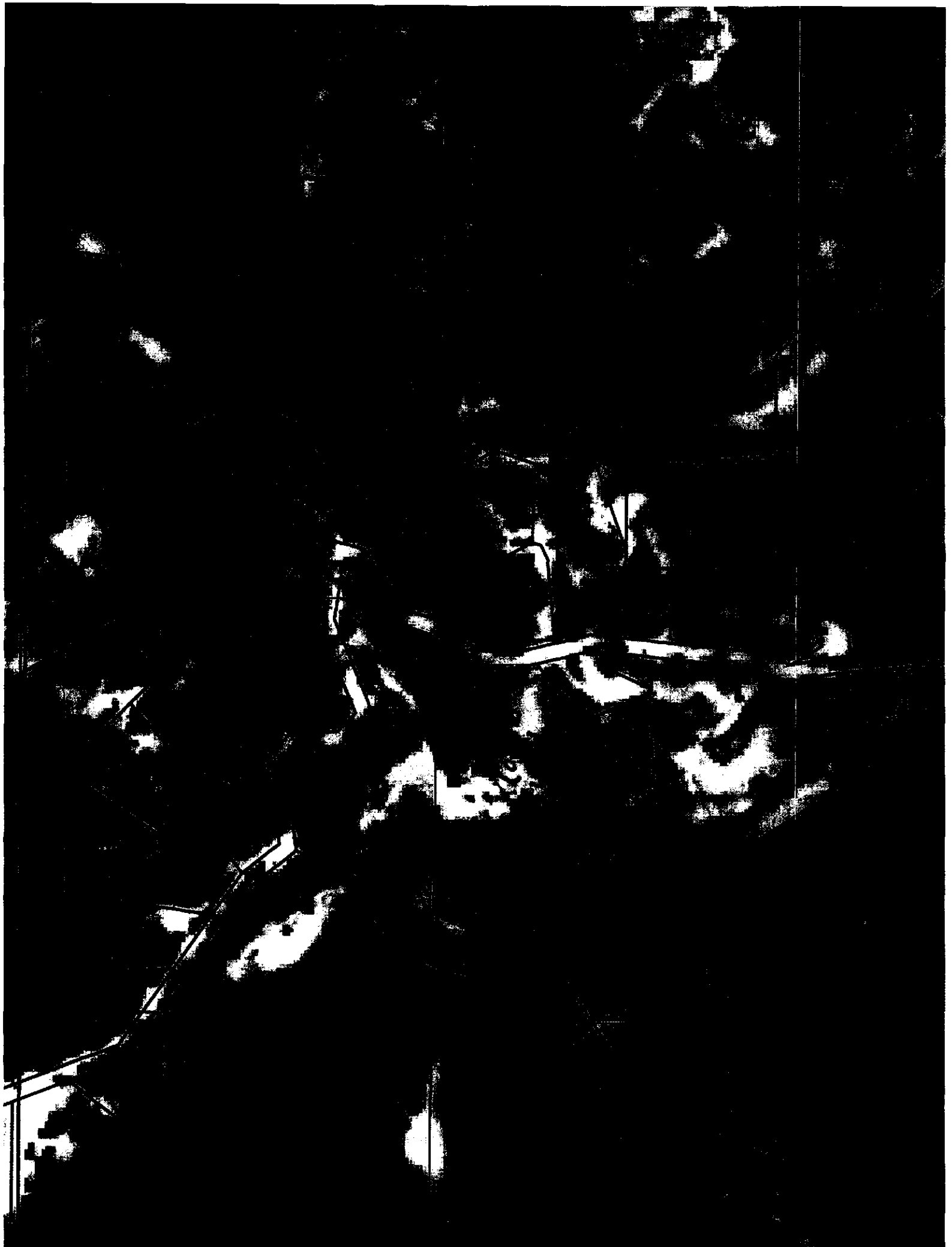
T4N
 R4E
 SEC 30

TOOTHMAN E
 180E
 B 01.00

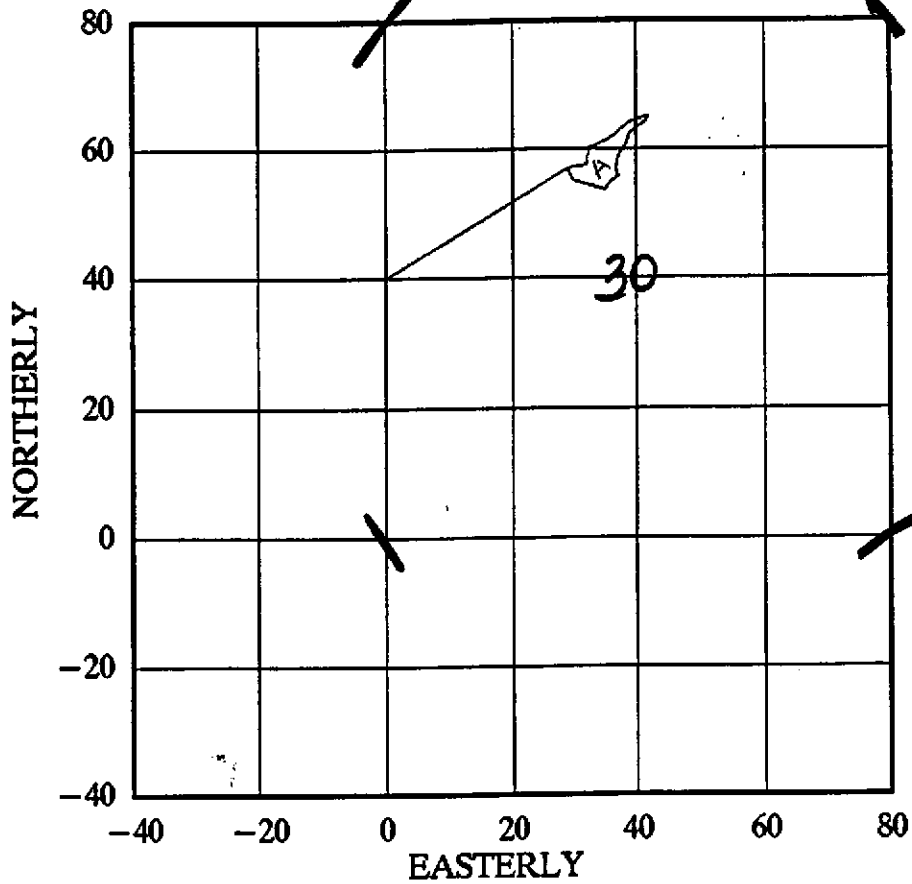


MICROFILMED
 OCT 18 1996





PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Coolidge

*Exhibit A
see metes & bounds
attached to decree -
KW 1/11/96*

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
7 follows:

8 Commencing at the West $\frac{1}{4}$ section corner of Section 30, T.
9 4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to
10 the point of beginning; thence

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

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

23 South 14°48' West, 50.47 feet;
24 South 55°17' West, 216.80 feet;
25 South 17°03' West, 127.20 feet;
26 South 34°47' West, 131.70 feet;
27 South 11°22' West, 131.30 feet;
28 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.

EXHIBIT A



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. Dep.
 Section 30, SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot , BM.
 Lot , Block 55, Subdivision/Townsite
 If you have additional legal descriptions, please attach separate sheet.

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): Misla Bitoschutke

1350 N. 33rdBowse, Ia 83703

☐ New Owner/Claimant (Purchaser):

Steven D. Cummings

☐ New Mailing Address:

2195 Robie CreekBowse Ia 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)

Date 3/24/95

Date _____

☐ Signature of Former Owner/Claimant(s):

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

mt - View

Time 16:11 M.T.

Date March 29, 1995

155513

Rora A. Canady

By [Signature]
Deputy

Fee \$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.

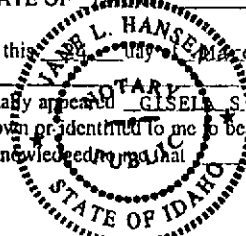
Dated: March 24, 1995

Gisela S. Biloschaezke
GISELA S. BILOSCHAEZKE

STATE OF IDAHO, County of ADA, ss.

On this 29th day of March, in the year of 1995, before me THE UNDERSIGNED, a notary public, per-

sonally appeared GISELA S. BILOSCHAEZKE
known and identified to me to be the person whose name subscribed to the within instrument, and
acknowledged to me that he executed the same.



Notary Public: James L. Hansen
Residing at: BOISE, IDAHO
My Commission Expires: 6-22-95

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OCT 08 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, 79.14 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

LEGAL CONTINUED

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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

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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: IIC 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 are
subscribed to the within instrument and acknowledged that
they executed the same

Signature

Name

Robyn Williams

My commission expires

STATE OF IDAHO COUNTY OF Ada

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

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 138144

Ex-Officio Recorder

By

Deputy

Mail to

Fee \$ 6.00

138144

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



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OCT 08 1990

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 Robie 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. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE, 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 Nc. 89°30' 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. 39°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

129839

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 4th day of July, 1988.

Horst O. Biloschaetzke
HORST O. BILOSCHAETZKE

Gisela S. Biloschaetzke
GISELA S. BILOSCHAETZKE

STATE OF IDAHO)
County of Ada) ss

On this 4th day of 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 D. 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 ROBAA 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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OCT 08 1996

properly characterizes the property as community or separate property.

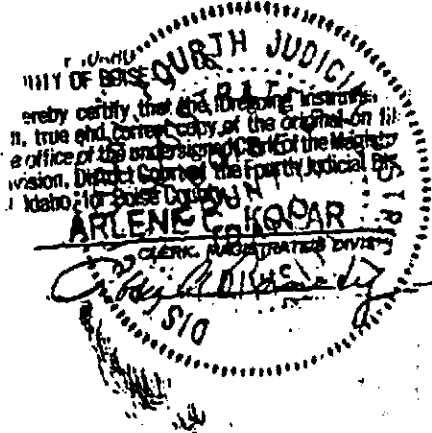
THEREFORE, it is ordered, adjudged and decreed as follows:

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 L. Lehto
#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 radial 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:

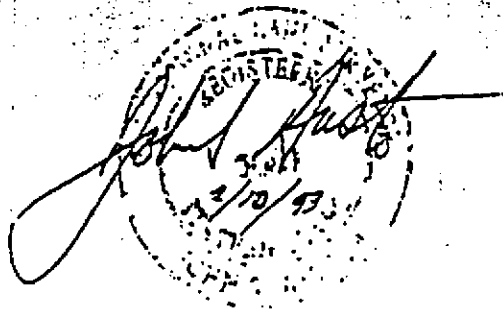
That portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, T.4 N., R.4 E., B.M., Boise County, Idaho, being more particularly described as follows: BEGINNING AT A POINT in the centerline of 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., 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,
 - 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,

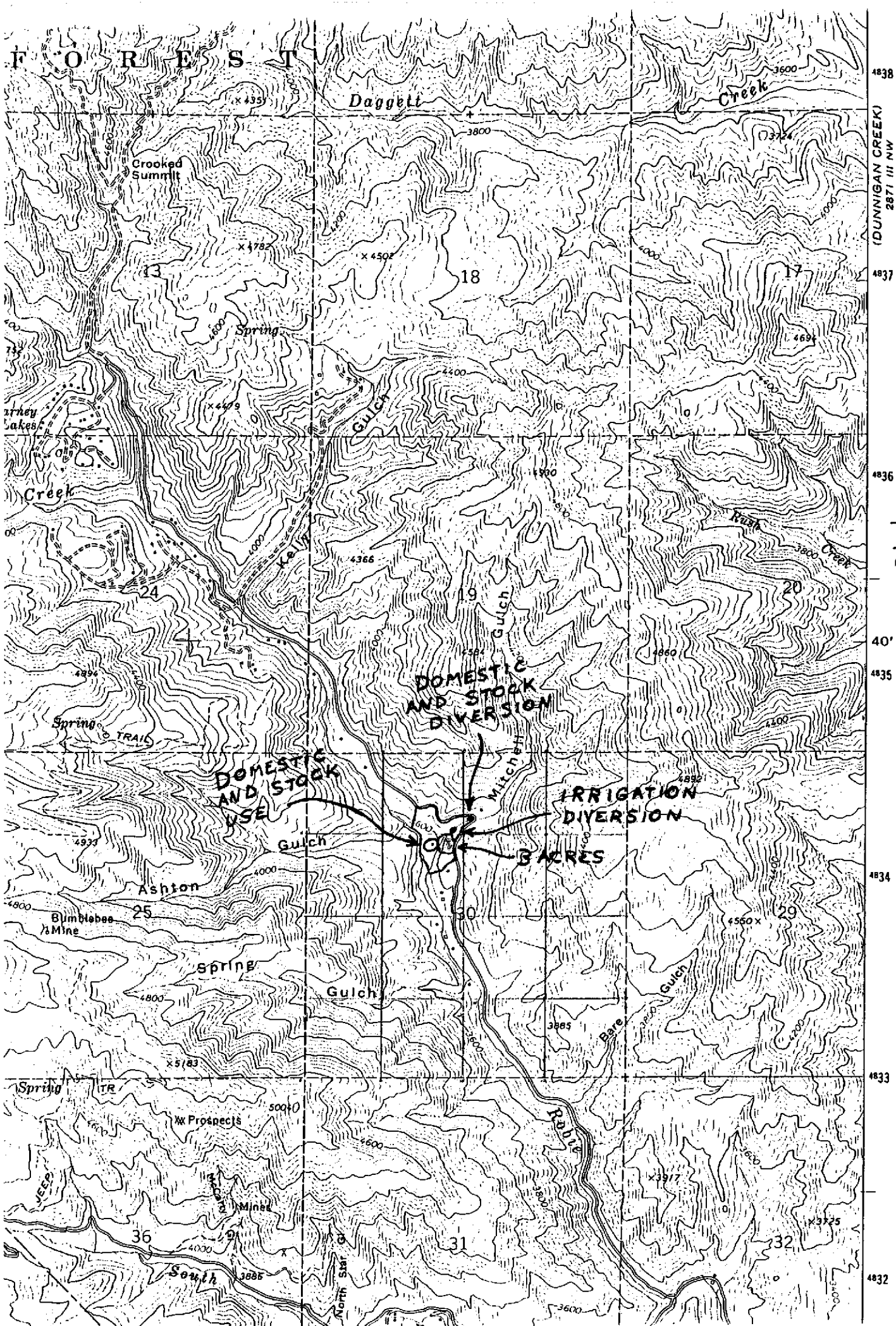
EXHIBIT B
MICROFILMED
OCT 08 1996

- 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.



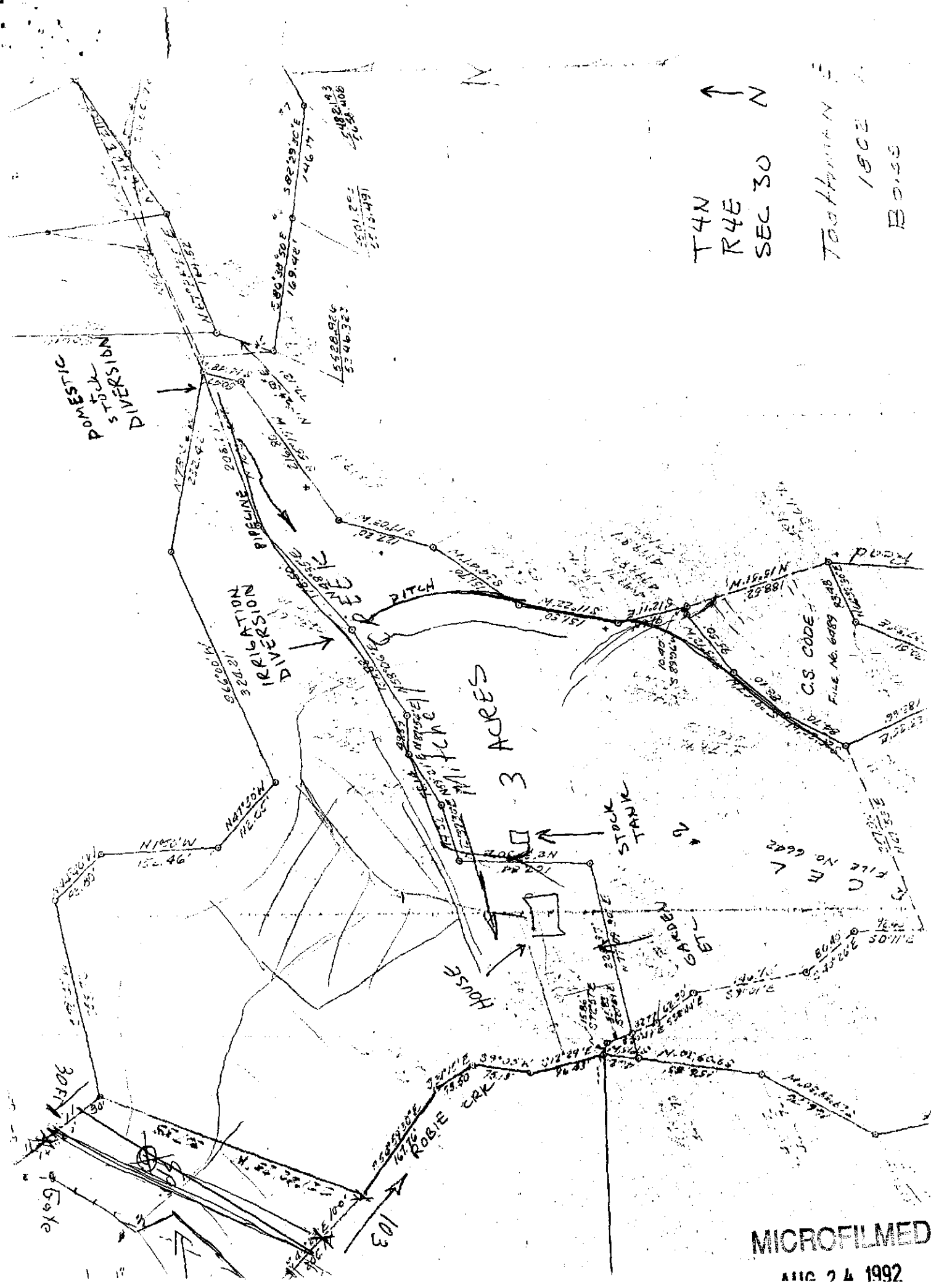
MICROFILMED
OCT 08 1996



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

T4N
R4E

MICROFILMED
AUG 24 1992



T4N
R4E
SEC 30

Toothman E
1802
Boise

BOISE COUNTY
DISTRICT COURT
Recorded in Book 3 Page 426-429
Mar. 29-1979
FMD MAR 29 1979
County of Idaho
By Ann Morgan DEPUTY

1 WILLIAM D. COLLINS
2 COLLINS & MANLY
3 ATTORNEYS AT LAW
4 708 NORTH 8TH STREET
5 P. O. BOX 2794
6 BOISE, IDAHO 83701
7 TELEPHONE (208) 345-2911
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

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

25 The above-entitled matter came on regularly for trial
26 July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho
27 City, Idaho. The Plaintiffs were represented by William D.
28 Collins of the firm Collins, Manly & Williams, and the Defendants,
Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were repre-
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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AUG 24 1992

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

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

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

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

CLAIMANT
OWNS
THIS

DECREE

-4-

EXHIBIT A SHOWS
4.8 ACRES FOR
IRRIGATION
THIS CLAIM IS FOR
3 ACRES + DOMESTIC
(CHANGE IN USE)

MICROFILMED

AUG 24 1992

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

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

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

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

DECREE

-5-

MICROFILMED

AUG 24 1992

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/16/96 11:57:51
Page 1Water Right Number - A63-00386 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +*** C - CURRENT OWNER ***
BILOSCHAEZKE

HORST O.

1 -
2 -
3 -

State- ID Zip- X

City- X
Phone - 208-000-0000

GISELA S.

BILOSCHAEZKE

1 -
2 -
3 -

State- ID Zip- X

City- X
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1966 15 EASTERN Z - SEE REMARKS+ - - Source - - - - - + + - - Tributary - - - - - +
MITCHELL CREEK ROBIE CREEK
SEE REMARKS+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

04N 04E 30

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period from Period to Diversion Rate Diversion Volume
43 - DOMESTIC 0.004+ - - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.004 0.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
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

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILMED
OCT 08 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/16/96 11:57:52
Page 2

Water right number - A63-00386

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - P/D & P/U INCOMPLETE. Remarks - - - - - +

NOTE: THIS RT. MAY BE COMBINED WITH RT. 63-00387 AND CLAIMED
UNDER NO. A63-15101. SEE DECREE 63-L FOR INFORMATION CONCERNING
THE WATERS OF MITCHELL CREEK. KW 1/16/1996

+ - - - - - No Old Water Right Numbers Found - - - - - +

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - - Decree Plaintiff - - - + + - Decree Date - - +
OLIN COOLEY, ET. AL. HORST O. BILSCHAEITZKE, ET. AL. 00/00/0000+ - - - - - Comments - - - - - +
No Comments Found+ - - - - - Audit Fields - - +
01/16/96 KWALKER

+ - - - - - 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 | - 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 | - |

MICROFILMED
OCT 08 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/16/96 11:58:14
Page 1Water Right Number - A63-00387 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + - - - - Address - - - - - +*** C - CURRENT OWNER ***
COOLEY

OLIN

State- ID Zip- X

City- X
Phone - 208-000-0000

COOLEY

ROSEMARY

State- ID Zip- X

City- X
Phone - 208-000-0000+ - - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/02/1966 15 EASTERN Z - SEE REMARKS+ - - - Source - - - - + + - - - Tributary - - - - +
MITCHELL CREEK RO81E CREEK
SEE REMARKS+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.300+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.300 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
04N 04E 30 NW NE 01 IRRIGATION 15 BOISE
04N 04E 30 NE NW 01 IRRIGATION 15 BOISE
04N 04E 30 NW NW 01 IRRIGATION 15 BOISE
04N 04E 30 SW NW 01 IRRIGATION 15 BOISE
04N 04E 30 SE NW 01 IRRIGATION 15 BOISE

Total Acres:

+ - - - Diversion Means -

+ - - - Non-Irrigation Use -

+ - - - Other Rights for Same Use -

MICROFILMED
OCT 08 1996

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)**

01/16/96 11:58:14
Page 2

Water right number - A63-00387

[illegible]

NOTE: THIS RT. MAY BE COMBINED WITH RT. 63-00386 AND CLAIMED UNDER NO. A63-15101. SEE DECREE 63-L FOR INFORMATION CONCERNING THE WATERS OF MITCHELL CREEK. KW 1/16/1996

| +-----+
No Old Water Right Numbers Found | - - - - -
Old Water Right Numbers | +-----+ |
|---|--------------------------------------|---------|
|---|--------------------------------------|---------|

+ - - - - - Conditions of Approval +
+ - - - - - No Conditions of Approval found. +

| | | | | | |
|---------------------------------|--------------------|---------|-----------|--------------------|---------|
| + + - - - | - Decree Plaintiff | - - - + | + + - - - | - Decree Defendant | - - - + |
| OLIN COOLEY, ET. AL. | | | | | |
| HORST O. BILSCHAEITZKE, ET. AL. | | | | | |
| + - Decree Date - | | | | | |
| 00/00/0000 | | | | | |

+-----+
Comments-
No Comments Found

+ - - Audit Fields - - +
01/16/96 KWALKER

| | | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|-----|-------|
| 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 | - 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 | - | |

See Decree 63-L

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book 3 Page 426-429
Mar. 29-1979
FILED MAR 10 1979
Robert J. Tupper
By Ann Morgan DEPUTY

WILLIAM D. COLLINS
COLLINS & MANLY
ATTORNEYS AT LAW
705 NORTH 8TH STREET
P. O. BOX 2794
BOISE, IDAHO 83701
TELEPHONE (208) 345-2011
Attorney for Plaintiffs

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

| | | |
|----------------------------|---|--------------|
| OLIN COOLEY and ROSEMARY |) | Case No. 921 |
| COOLEY, husband and wife, |) | |
| and EUGENE PHILLIPS and |) | DECREE |
| LAVONNE PHILLIPS, husband |) | |
| and wife, |) | |
| Plaintiffs, |) | |
| vs. |) | |
| HORST O. BILOSCHAETZKE and |) | |
| GISELA S. BILOSCHAETZKE, |) | |
| husband and wife, and |) | |
| LESTER HOOVER and ERNA |) | |
| HOOVER, husband and wife, |) | |
| Defendants. |) | |

The above-entitled matter came on regularly for trial July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho City, Idaho. The Plaintiffs were represented by William D. Collins of the firm Collins, Manly & Williams, and the Defendants, Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were represented 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

MICROFILMED
OCT 18 1996

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
7 hereinafter set forth.

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

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

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

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 Defendant
7 may divert up to fifteen miners inches at either of the two
8 points of diversion but shall not exceed 15 miners inches tota
9 between the two diversion points. During the times of scarcit
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 poin
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

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 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, 1978.


W. E. Smith, District Judge

DECREE

-7-

MICROFILMED

OCT 18 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
North 33°30'30" West 313.36 feet to a point, thence
11 North 6°50'30" West 173.96 feet to a point, thence
North 10°20'30" West 232.40 feet to a point, thence
12 North 29°39'30" East 166.76 feet to a point, thence
North 9°09'30" East 156.83 feet to a point, thence
13 North 7°15' East 46.20 feet to a point on the West
bank of Robie Creek, thence
14 South 72°57' East 15.86 feet to a point on the East
bank of an irrigation ditch, thence along said
east bank
15 South 20°49' East 35.83 feet to a point, thence
South 32°11'30" East 140.0 feet to a point, thence
16 South 75°04' East 341.36 feet to a point, thence
South 28°20' West 84.70 feet, thence
17 South 23°25' East 183.66 feet to a steel pin, thence
South 80°48' East 17.45 feet to a steel pin, thence
18 North 23°37'30" East 170.51 feet to a steel pin on
the North bank of a small irrigation ditch, thence
19 North 66°32'30" East 83.48 feet to a point on the
centerline of the County Road, thence along said
centerline
20 South 4°59'30" West 523.53 feet, thence
South 17°49' West 122.54 feet, thence
21 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
22 South 89°12'30" West 388.31 feet to the real place
of beginning.

23
24
25
26
27
28 EXHIBIT B

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 HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE

5 Beginning at the section corner common to Sections
6 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

7 North 89°20' East 1027.50 feet along the section
line to a point, thence

8 South 22°06' East 164.50 feet to a point in the
centerline of the County Road, the real place
of beginning, thence

9 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

10 South 46° 54' East 86.33 feet, thence

11 North 65°12' East 50.19 feet, thence

12 South 49°25' East 193.42 feet, thence

13 South 15°23' East 148.15 feet, thence

14 South 36°02' East 171.26 feet, thence

15 South 57°00' East 157.44 feet, thence

16 South 46°23' East 205.17 feet, thence

17 South 54°59' 30" East 167.76 feet,, thence

18 South 31°15' East 53.50 feet, thence

19 South 9°05' West 75.13 feet, thence

20 South 12°29' East 96.43 feet, thence

21 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

22 North 77°09'30" East 225.37 feet to a point,
thence

23 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

24 North 59°21' East 78.14 feet, thence

25 North 87°54' East 49.89 feet, thence

26 North 58°06' East 131.88 feet, thence

27 North 48°35' East 178.50 feet, thence

28 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.

28 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

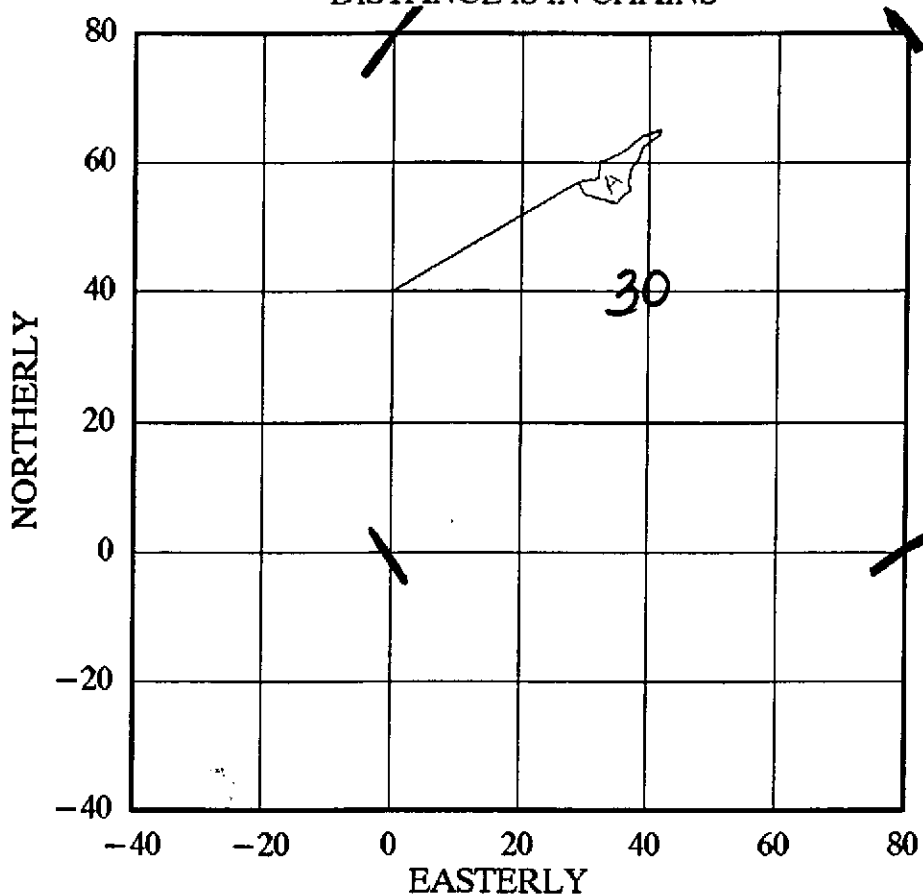
ARLENE C. KOLAR, Clerk

By [Signature]
Deputy

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OCT 8 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



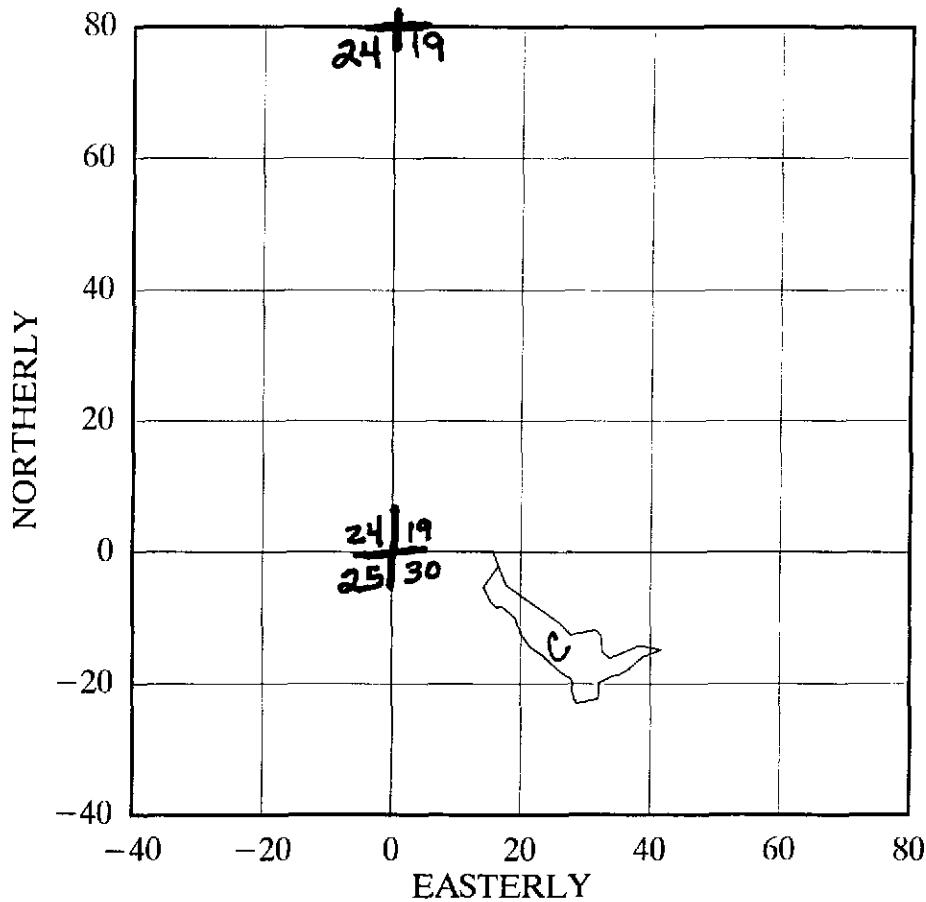
Cooley

*Exhibit A
see metes & bounds
attached to decree -
KW 1/11/96*

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OCT 08 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Biloschautzke

*100
1/11/96
(per metes & bounds
attached to decree)
Exhibit C*

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OCT 08 1996