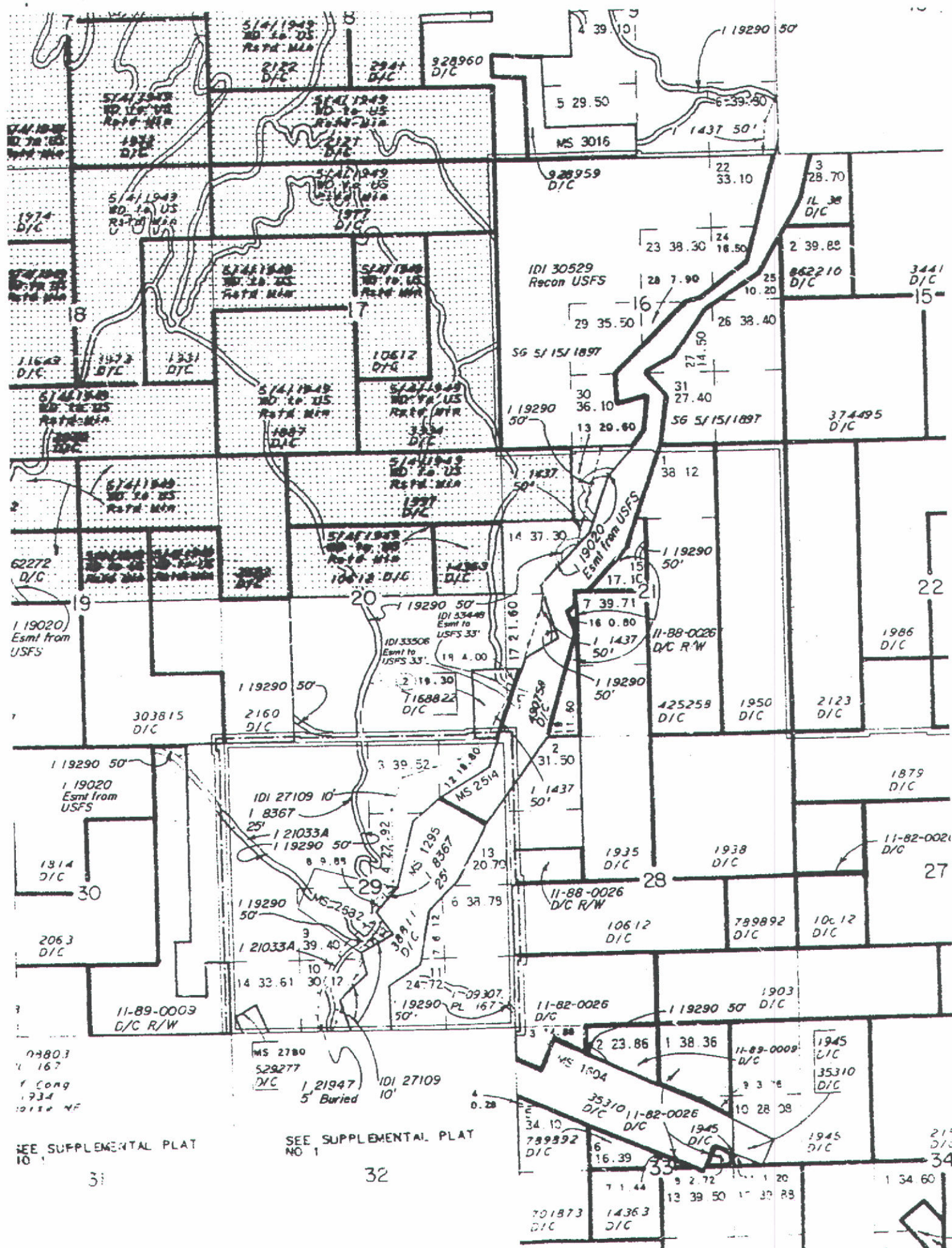
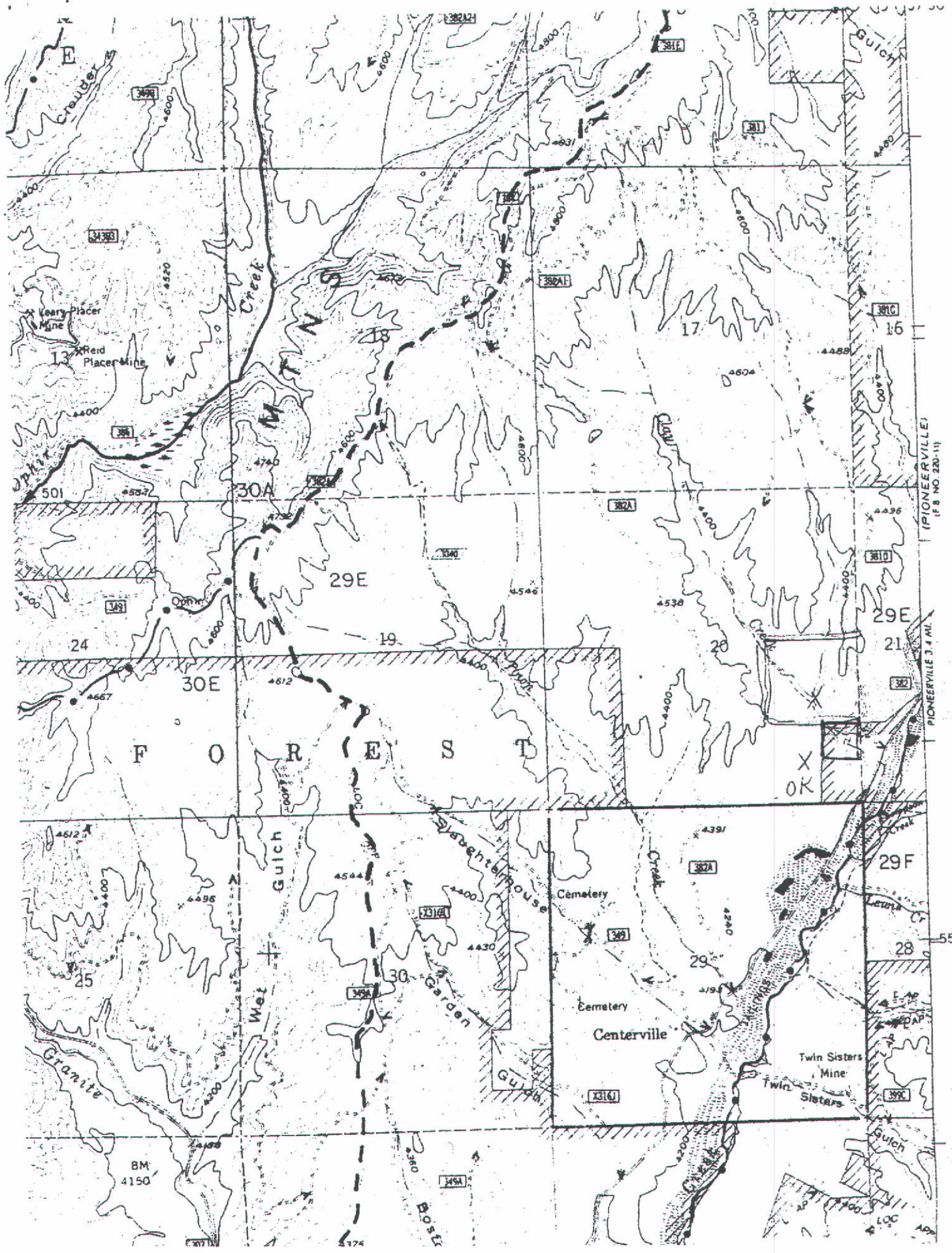
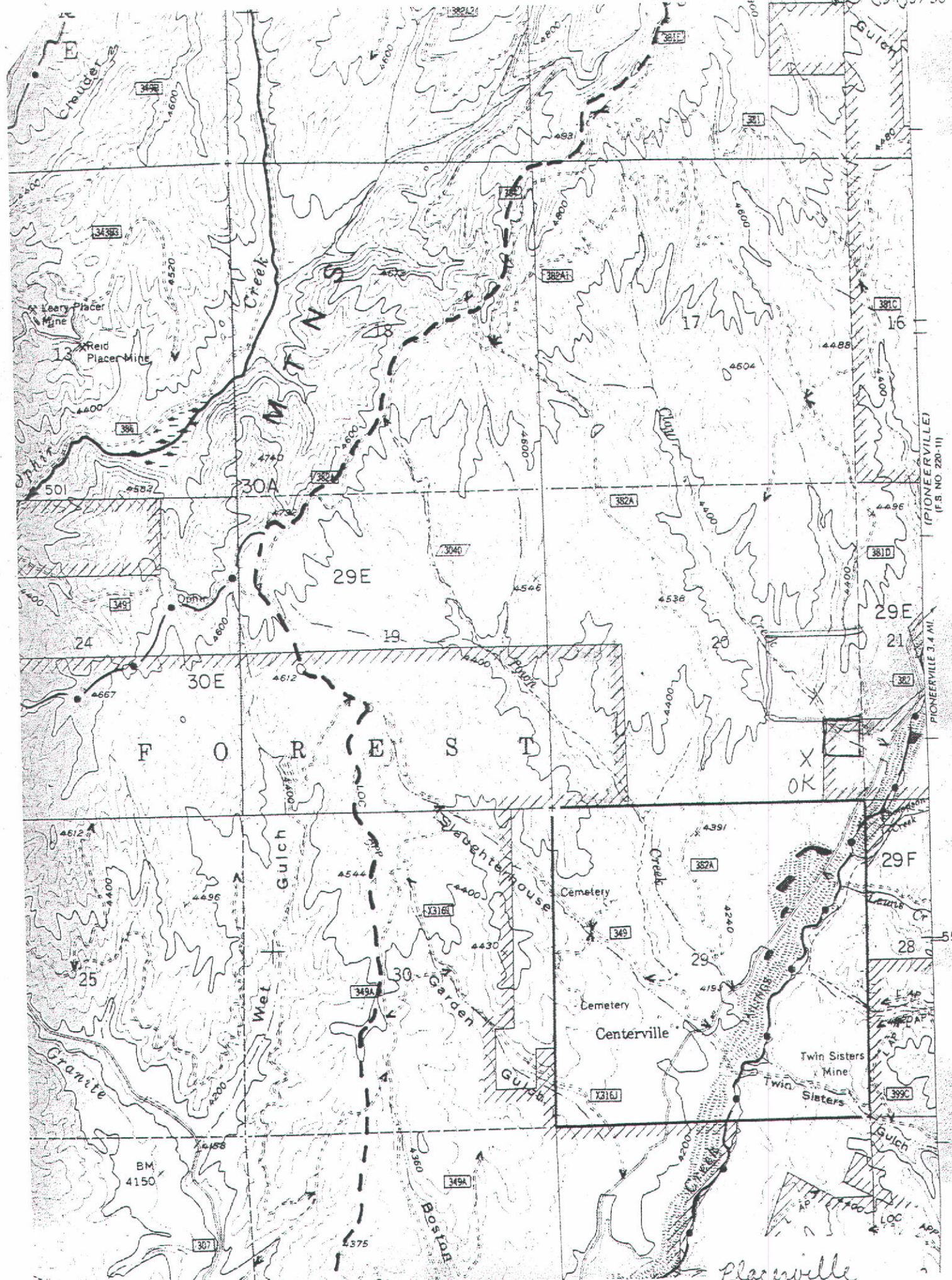
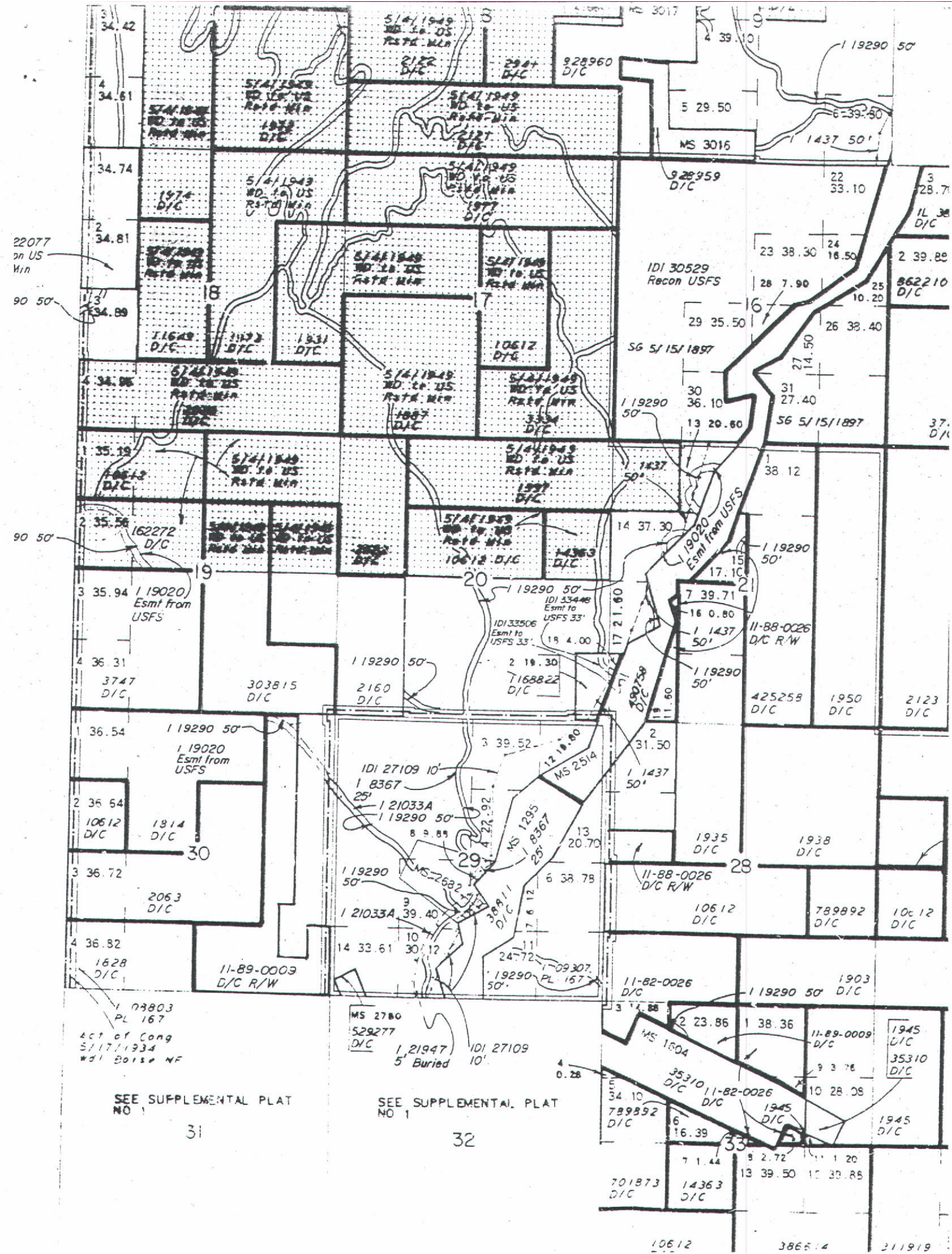






6315243





A63-15243

PHOTOS TAKEN 10/16/2001



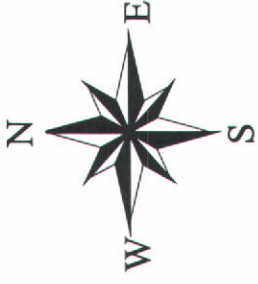
PHOTO #1
POD



PHOTO #2
POU-RECREATIONAL
POND

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S20



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

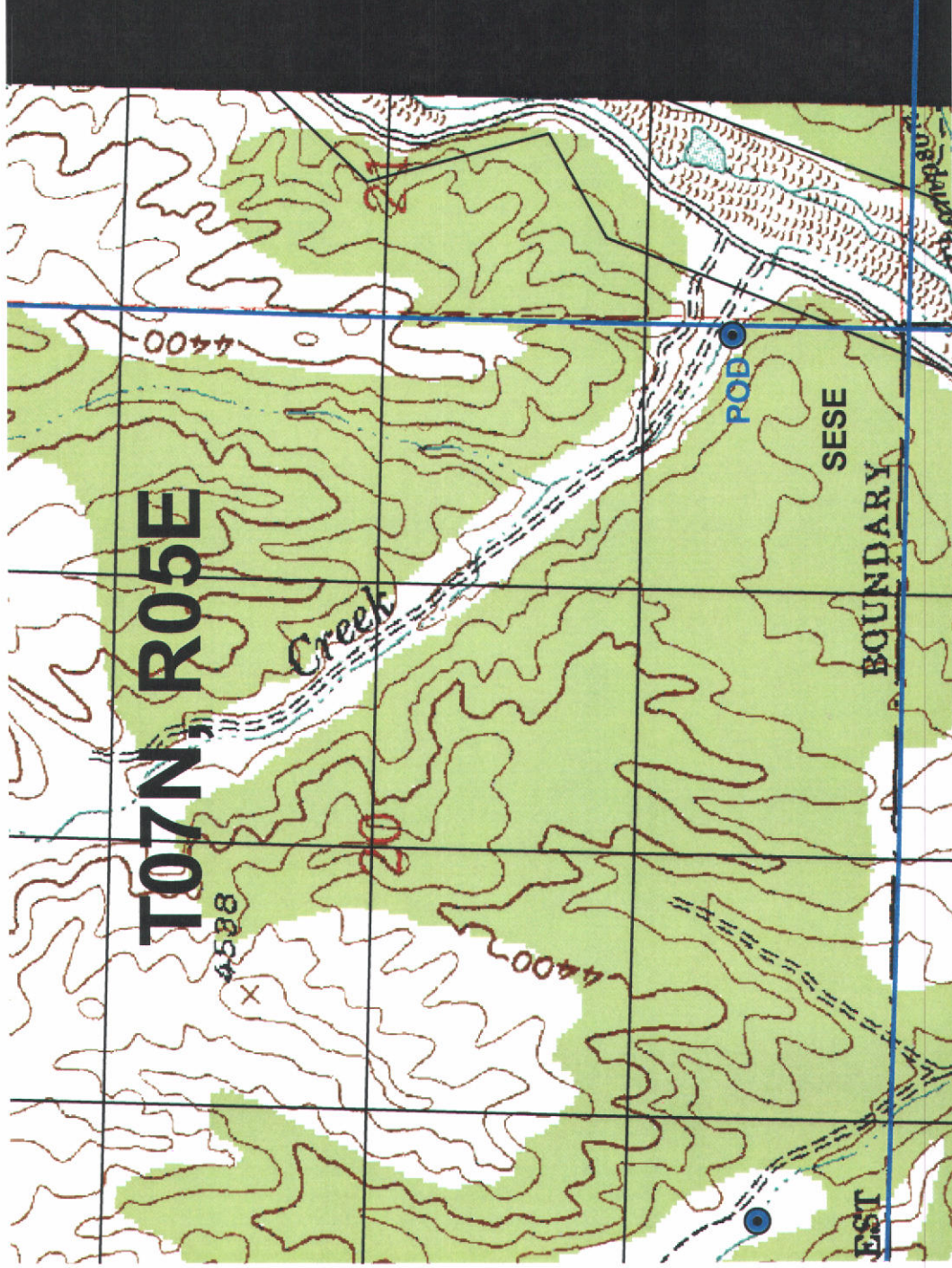
6 SECTION NUMBERS

CLAIM(S): 63-15243

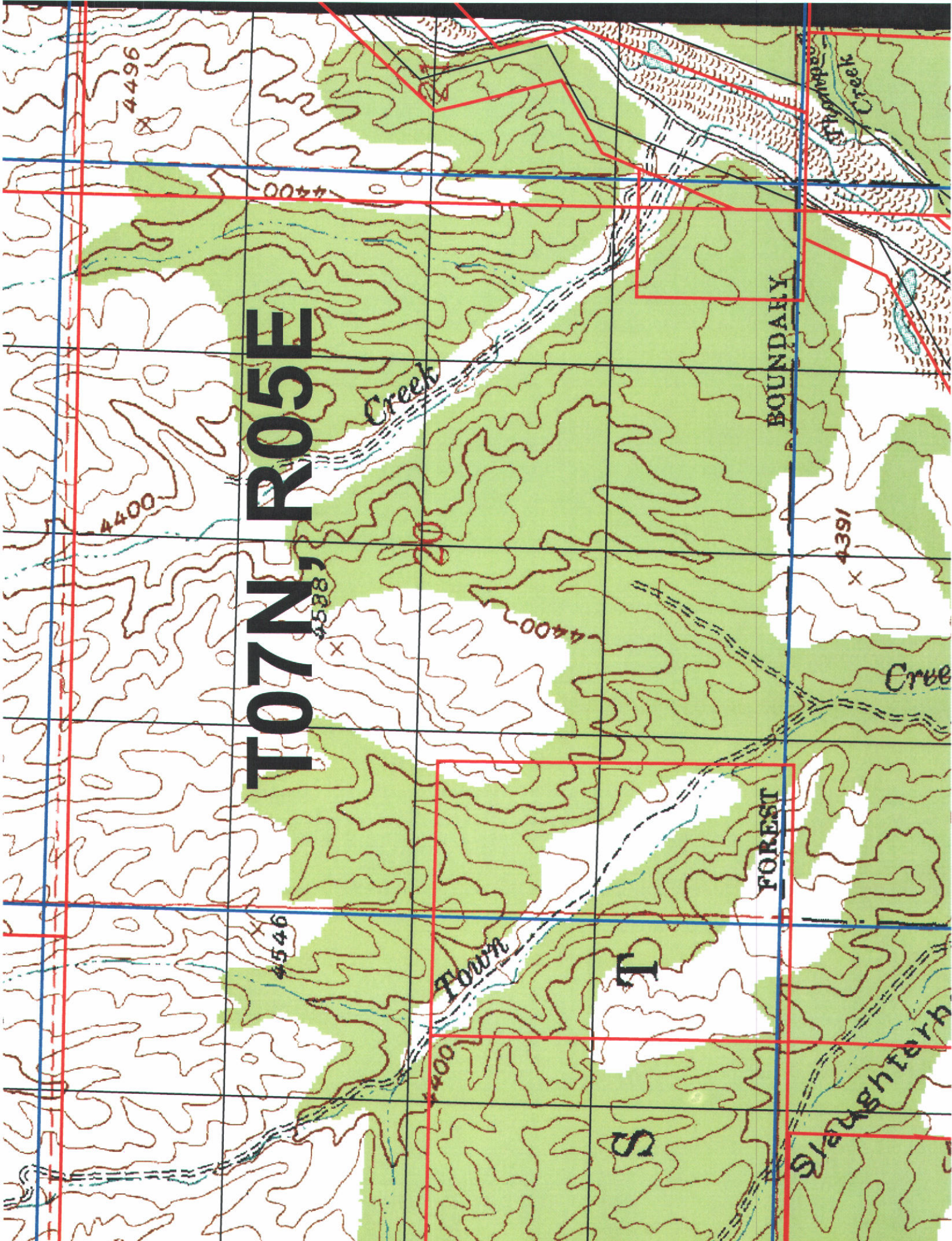
OWNER(S): CARTER

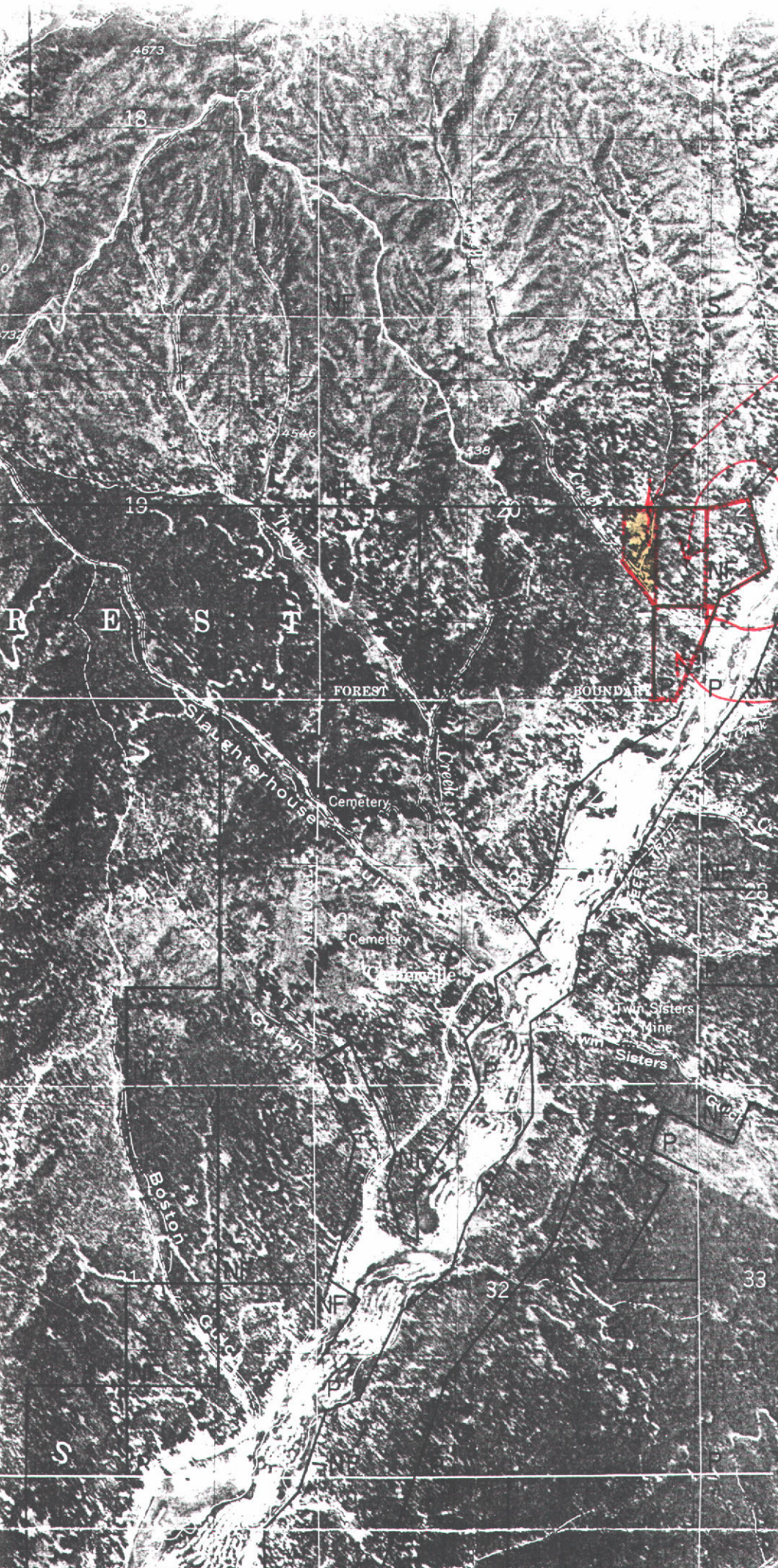
DATE: NOVEMBER 7, 2001

by: Mel Schulte



T07N, R05E





AMENDED

CLAIM

A63-15243

Lucky 13
NESE SEC 20

Lucky 13
claim

LAST CHANCE
CABIN LOC. SWSW SEC 21

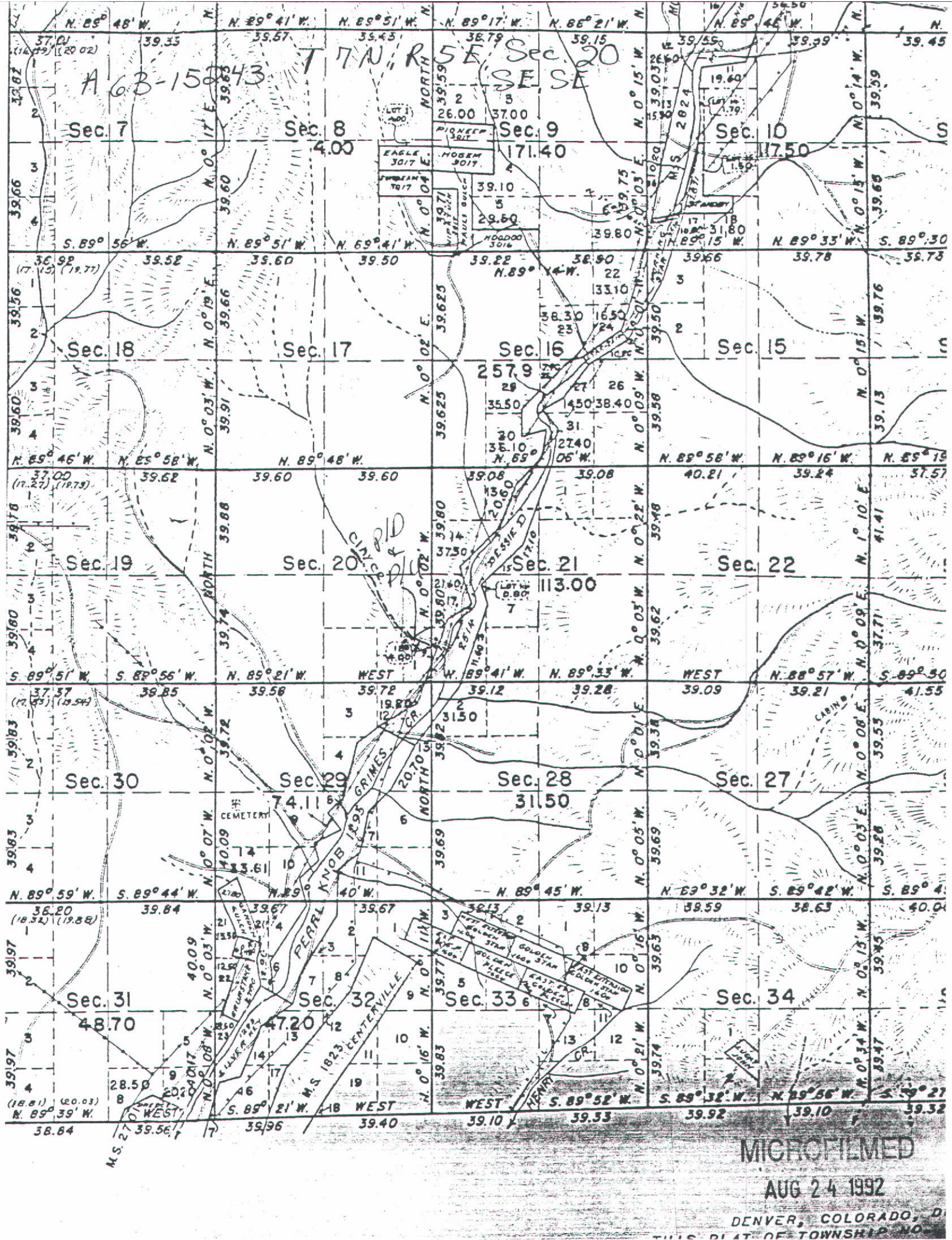
Rocky BAR
SESE
SEC 20
LT 2

T. 7 N.

T. 6 N.

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: **A63-15243**
Date Received: 5/ 1/1989
Receipt No: W002655
Received By: Rel

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

1. Name: WILLIAM L CARTER 208-362-3646
Address: 8452 DESERT AVE.
BOISE ID 83709
OR
Name: BETTY L CARTER 208-362-3646
Address: 8452 DESERT AVE
BOISE ID 83709
OR
Name: WILLIAM L. CARTER III
Address: 8452 DESERT AVENUE
BOISE ID 83709

2. Date of Priority: FEB 1, 1956

3. Source: SPRINGS (3) Trib. to: SINK
CLAY CREEK GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05E	20		SE	SE		BOISE
			NE	SE	SE		BOISE

5. Description of diverting works:
SPRINGS FLOW INTO POND (NO DIVERSION), CREEK-DAM, LEVEE, OVERFLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	06/01	08/31	0.010		
RECREATION	06/01	08/31	0.010		
RECREATION STORAGE	06/01	08/31			0.02

7. Total Quantity Appropriated is:
0.010 C.F.S. (and/or) 0.02 A.F.A.

9. Non-irrigation uses:
X/PLACER; R/SWIMMING

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07N	05E	20	NE	SE		MINING	
			SE	SE		MINING	
			SE	SE		REC	
			SE	SE		REC S	

13. Other Water Rights Used:
NONE

ORIGINALLY FILED UNDER 63-09806 WHICH LAPSED.
SIZE OF POND IS 45' DIA AND 5' DEEP.

16. Signature(s)

Number of attachments:

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

Signature of Claimant(s): William J Carter Date: 1/13/92
Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of JAN. 19 92

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

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: A63-15243
Date Received: 5/01/1989
Receipt No: W2655
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM L. CARTER 208-362-3646
Address: 8452 DESERT AVE.
BOISE, ID 83709

OR

Name: BETTY L. CARTER 208-362-3646
Address: 8452 DESERT AVE.
BOISE, ID 83709

OR

Name: WILLIAM L. CARTER III
Address: 8452 DESERT AVENUE
BOISE, ID 83709

2. Date of Priority: FEB 01, 1956

3. Source: SPRINGS (3) Trib. to: SINK
CLAY CREEK GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	05E	20	NE	SE	SE		BOISE
				SE	SE		BOISE

5. Description of diverting works:

SPRINGS FLOW INTO POND (NO DIVERSION), CREEK-DAM, LEVEE, OVERFLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	06/01	08/31	0.010		
RECREATION	06/01	08/31	0.010		
RECREATION STORAGE	06/01	08/31			0.02

7. Total Quantity Appropriated is:

0.010 C.F.S. (and/or) 0.02 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
X/PLACER; R/SWIMMING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	05E	20	SE	SE		MINING	
			SE	SE		REC	
			SE	SE		REC S	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
ORIGINALLY FILED UNDER 63-09806 WHICH LAPSED.
SIZE OF POND IS 45' DIA AND 5' DEEP.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 4

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): X William I. Carter Date: X 5/1/89
_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 1 day

of May 19 89

Seal

Linda Werner
Notary Public

Linda A. Werner
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 6, 1991
My Commission Expires _____

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-15243

277 OCT 16 AM 11:01

RECEIVED
OCT 16 2003
FILED

NAME AND ADDRESS: BETTY L CARTER
WILLIAM L CARTER
WILLIAM L CARTER III
8452 DESERT AVE
BOISE, ID 83709

RECEIVED
OCT 17 2003

Department of Water Resources

SOURCE: CLAY CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 0.01 CFS
0.02 AFY

PRIORITY DATE: 02/01/1956

POINT OF DIVERSION: T07N R05E S20 LOT 2 (NESESE) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mining	05-01 TO 08-31	0.01 CFS
	Recreation	05-01 TO 08-31	0.01 CFS
	Recreation Storage	05-01 TO 08-31	0.02 AFY

PLACE OF USE:	Mining	Within Boise County
	T07N R05E S20 LOT 2 (SESE)	
	Recreation	Within Boise County
	T07N R05E S20 LOT 2 (SESE)	
	Recreation Storage	Within Boise County
	T07N R05E S20 LOT 2 (SESE)	

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. I.C. SECTION 42-1412(5).

RULE 54(b) CERTIFICATE

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

RECOMMENDATION

OCT 16 2003


SPECIAL MASTER

Presiding Judge of the
Snake River Basin Adjudication

Amended Director's Report
Right No. 63-15243

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

RIGHT NUMBER: 63-15243

NAME AND ADDRESS:

BETTY L CARTER
8452 DESERT AVE
BOISE ID 83709

WILLIAM L CARTER
8452 DESERT AVE
BOISE ID 83709

WILLIAM L CARTER III
8452 DESERT AVE
BOISE ID 83709

*AMENDED
DIRECTOR'S
REPORT - AMENDED
CLAIM WILL BE HEARD*

SOURCE: CLAY CREEK Tributary: GRIMES CREEK

QUANTITY: 0.010 CFS 0.020 AFY

PRIORITY DATE: 02/01/1956

POINT OF DIVERSION:

~~T07N R05E S20 NESESE~~
~~Within BOISE County~~

T07N R05E S20 NESESE Lot 2
Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
MINING	<u>05/01 08/31</u> ~~6/01 8/31~~	0.010 CFS
RECREATION	<u>05/01 08/31</u> ~~6/01 8/31~~	0.010 CFS
RECREATION STORAGE	<u>05/01 08/31</u> ~~6/01 8/31~~	0.02 AFY

PLACE OF USE: MINING within BOISE County

~~T07N R05E S20 NESE~~
~~T07N R05E S20 SESE~~
T07N R05E S20 SESE Lot 2

RECREATION within BOISE County

~~T07N R05E S20 SESE~~
T07N R05E S20 SESE Lot 2

RECREATION within BOISE County
STORAGE

~~T07N R05E S20 SESE~~
T07N R05E S20 SESE Lot 2

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Right Number: 63-15243

Name and Address: BETTY L CARTER
WILLIAM L CARTER
WILLIAM L CARTER III
8452 DESERT AVE
BOISE, ID 83709

Source: CLAY CREEK

Tributary: GRIMES CREEK

Quantity: .01 CFS
.02 AFY

Priority Date: 02-01-1956

Diversion Point: T07N R05E S20 Lot 2 (NESESE) Within Boise County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Mining	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation Storage	<u>05-01</u> ~~06-01~~ TO 08-31	.02 AFY

Place of Use:	Mining	Within Boise County
	T07N R05E S20	~~NESE~~ <u>Lot 2</u> (SESE)
	Recreation	Within Boise County
	T07N R05E S20	<u>Lot 2</u> (SESE)
	Recreation Storage	Within Boise County
	T07N R05E S20	<u>Lot 2</u> (SESE)

Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

USFS
DRAFT FOR
AMENDED DIRECTOR'S
REPORT
SEE IDWR AMENDED
Dir. Rem.

Shurte, Jan

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Wednesday, July 02, 2003 5:53 PM
To: jshurte@idwr.state.id.us; mshulte@idwr.state.id.us
Cc: nspencer@idwr.state.id.us
Subject: Carter 63-15243



Corrected Directors
Report Pag...

In discussing this case with Nick and Jan. it appears that the Department and the FS have no objection to their Notice of Amended Claim that will be in front of Special Master Cushman on July 29. It appears that their proposed amended claim will resolve their objection and the FS objection to their claim as accurately reported by the director. Presuming that the Special Master grants their motion and no other parties object, it would be expeditious to have the department ready to hand to the Court an amended directors report recommendation at that time. With that in mind, here is what I have that I worked on with Carters to get us to this point. It should be identical to the page included as part of their motion. If I've got this protocol wrong, please contact me. Otherwise, see you on the 29th.

(See attached file: Corrected Directors Report Page.doc)

Steve Spencer	(208) 331-5944
Boise Adjudication Team	(208) 387-0842 FAX
161 E. Mallard, Suite A	e-mail: sspencer@fs.fed.us
Boise, ID 83706	

RECEIVED

MAY 29 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

) Subcase 63-15243

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is William L. Carter

My address is 8452 Desert Av.
Boise, ID 83709

My phone number is: Work _____ Home 208-362-3646

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

see attached page

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1. Objections already filed with the court
2. The directors report as we would like to see it amended.
3. Two maps of claim area

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

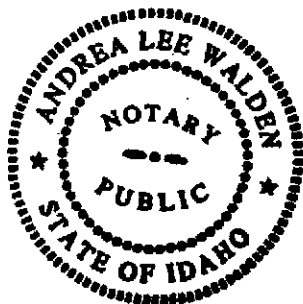
VERIFICATION (Must be completed)

State of Idaho

County of ADA

William L. Carter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



William L. Carter
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 27 2003
(Insert Date)

Andrea Lee Walden
Notary Public for Idaho
Residing at: ADA County
My Commission expires: 12-8-05

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on 5/27, 2003 I mailed the original and copies of this form, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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

Right Number: 63-15243

Name and Address: BETTY L CARTER
WILLIAM L CARTER
WILLIAM L CARTER III
8452 DESERT AVE
BOISE, ID 83709

Source: CLAY CREEK Tributary: GRIMES CREEK

Quantity: .01 CFS
.02 APY

Priority Date: 02-01-1956

Diversion Point: T07N R05E S20 Lot 2 (NESESE) Within Boise County

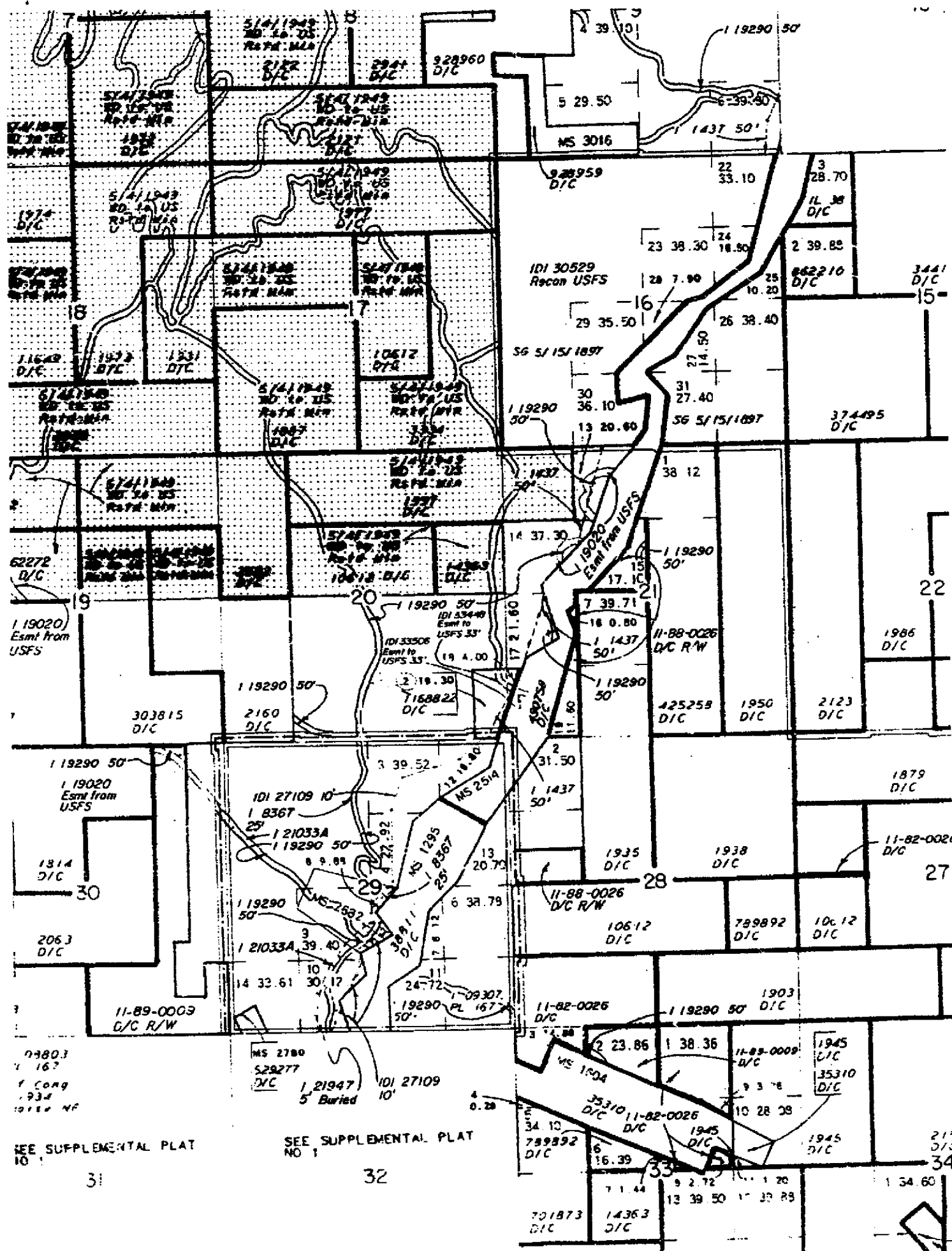
Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Mining	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation Storage	<u>05-01</u> ~~06-01~~ TO 08-31	.02 APY

Place of Use:	Mining	Within Boise County
	T07N R05E S20	<u>NESE</u> <u>Lot 2</u> (SESE)
	Recreation	Within Boise County
	T07N R05E S20	<u>Lot 2</u> (SESE)
	Recreation Storage	Within Boise County
	T07N R05E S20	<u>Lot 2</u> (SESE)

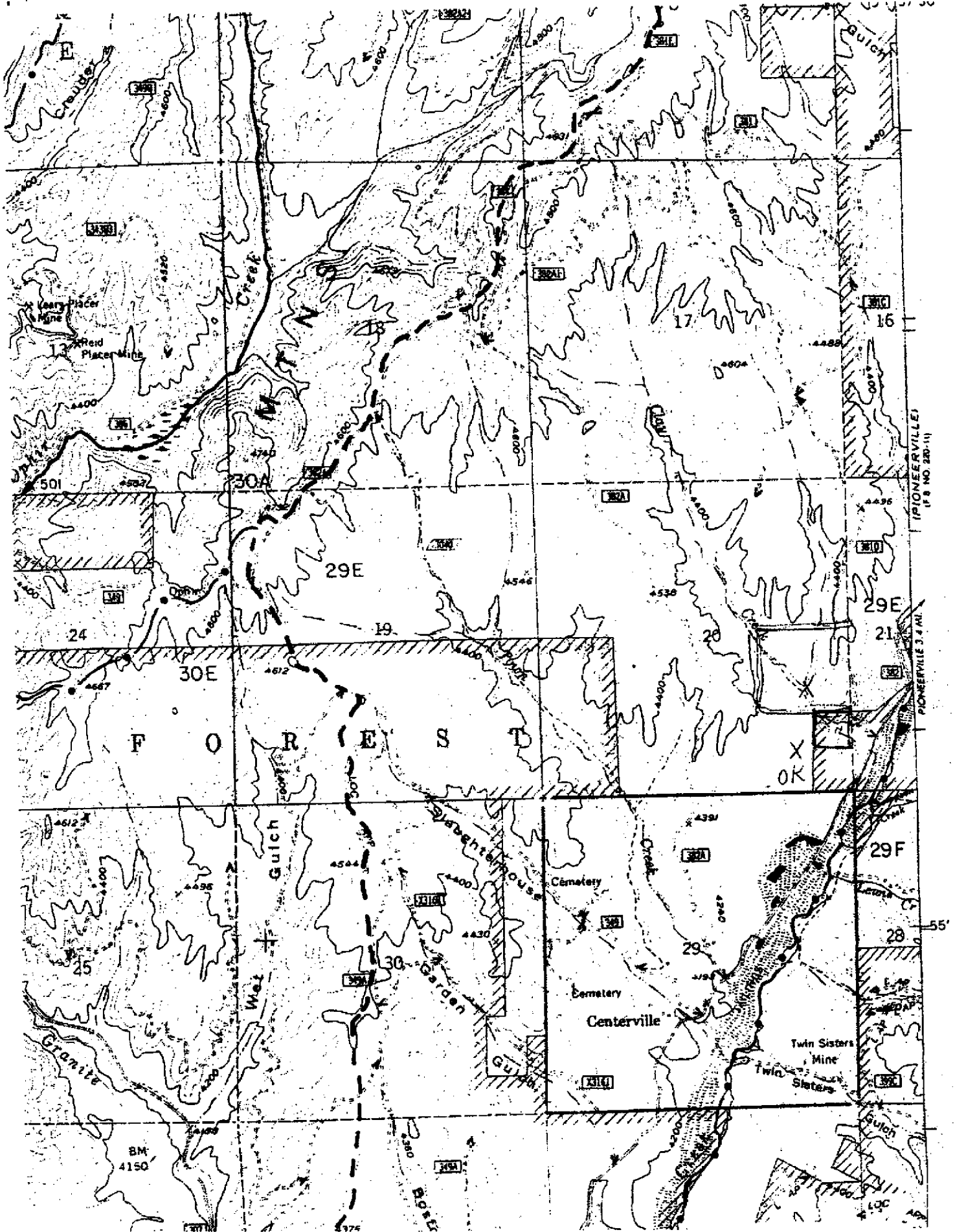
Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use



63 15243



Our claim no. 63-15243 must be amended because we need to have the season of use begin May 1 instead of June 1, as we claimed it and as it was recommended. We filed an objection to the directors report recommendation for this purpose.

The Forest Service also objected to our water right because a point of use was on the forest. We have met with the Forest Service to discuss this matter. We see that the point of use in the NESE of Section 20 is on the National Forest. We do not use water at this location. It should be deleted from the claim. This would resolve part of the Forest Service objection to our water right.

Our discussions with the Forest Service also showed that there could be confusion with our point of diversion and places of use in the SESE of Section 20. We own the E ½ of Section 20. One map and our deeds show that we own Government Surveyed LOT 2 of Section 20. The map accompanies this information. The legal descriptions of our point of diversion and places of use are more accurately described as LOT 2, which is 19.3 acres in what would normally be called the E½ of the SESE of Section 20, T7N, R5E. Adding LOT 2 to the legal descriptions would make it certain that the point of diversion and places of use are all on our private land and not on the National Forest. It would also resolve concerns the Forest Service has that there may be possibilities for confusion in the future about where our water right is if this is not done. We agree and wish to have LOT 2 added to the legal descriptions.

All these changes are shown on the marked up copy of the Directors Report Recommendation that is being considered by the Forest Service, IDWR and us as a settlement to both the Forest Service and our objections to the claim as recommended. Accepting this Motion to File an Amended Notice of Claim would resolve the objections to our claim.

Schulte, Mel

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Monday, May 05, 2003 9:28 AM
To: jshurte@idwr.state.id.us; mschulte@idwr.state.id.us
Subject: 63-15243 Carter



Corrected Directors
Report Pag...

I met with Bill and Bill Carter last Friday at their home. I reviewed their recommended claim and the reasons for the FS objection to the claim.

They own the E1/2 of the SESE of Section 20 - which is actually Lot 2, 19.3

acres. They had all their old deeds, legal documents, etc all over the kitchen table and saw that that is exactly what they bought back in about

1956. So their entire claim should be in Lot 2 and Lot 2 needs to be added

to more precisely describe their POD and POU's since Lot 2 is the actual surveyed legal description. The NESE of Sec 20 was supposed to mean their

diversion is in the NE corner of their property (Lot 2) as is shown in the

POD as recommended in the NESESE. The NESE needs to be deleted from their

claim. I can bring maps to verify this and so you can have them for your

files. In any event, it appears that resolution of the FS objection is easily attainable . . . THEN

They objected to their own claim. They would like to add a month to the beginning of the period of use so that it begins May 1 instead of June 1.

I suspect they will need to file an SF-4 Amended Claim. Would this be the

correct way to handle this matter - an SF-4 Amended Claim? If this is the

case, the amended claim could reflect the changes needed to the legal descriptions of the POU's that would resolve the FS objections.

A copy of how I see the corrected or amended directors report appearing is

attached. What do you recommend as the next step to achieve resolution of

this case?

(See attached file: Corrected Directors Report Page.doc)

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

Boise, ID 83706

 Steven M Spencer

05/05/2003 09:01 AM

To: jshurte@idwr.state.id.us, mschulte@idwr.state.id.us

cc:

cc:

Subject: 63-15243 Carter

I met with Bill and Bill Carter last Friday at their home. I reviewed their recommended claim and the reasons for the FS objection to the claim. They own the E1/2 of the SESE of Section 20 - which is actually Lot 2, 19.3 acres. They had all their old deeds, legal documents, etc all over the kitchen table and saw that that is exactly what they bought back in about 1956. So their entire claim should be in Lot 2 and Lot 2 needs to be added to more precisely describe their POD and POU's since Lot 2 is the actual surveyed legal description. The NESE of Sec 20 was supposed to mean their diversion is in the NE corner of their property (Lot 2) as is shown in the POD as recommended in the NESESE. The NESE needs to be deleted from their claim. I can bring maps to verify this and so you can have them for your files. In any event, it appears that resolution of the FS objection is easily attainable . . . THEN

They objected to their own claim. They would like to add a month to the beginning of the period of use so that it begins May 1 instead of June 1. I suspect they will need to file an SF-4 Amended Claim. Would this be the correct way to handle this matter - an SF-4 Amended Claim? If this is the case, the amended claim could reflect the changes needed to the legal descriptions of the POU's that would resolve the FS objections.

A copy of how I see the corrected or amended directors report appearing is attached. What do you recommend as the next step to achieve resolution of this case?



Corrected Directors Report Page.dl

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite A
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

WILL NEED SFS RETURN AFTER AMENDED CLAIM LIKELY
REC'D FROM STEVE SPENCER ON 5-7-03

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

Right Number: 63-15243

Name and Address: BETTY L CARTER
WILLIAM L CARTER
WILLIAM L CARTER III
8452 DESERT AVE
BOISE, ID 83709

Source: CLAY CREEK Tributary: GRIMES CREEK

Quantity: .01 CFS
.02 AFY

Priority Date: 02-01-1956

Diversion Point: T07N R05E S20 Lot 2 NESESE Within Boise County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Mining	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation	<u>05-01</u> ~~06-01~~ TO 08-31	.01 CFS
	Recreation Storage	<u>05-01</u> ~~06-01~~ TO 08-31	.02 AFY

Place of Use: Mining Within Boise County
T07N R05E S20 ~~NESE~~ Lot 2 SESE

Recreation Within Boise County
T07N R05E S20 Lot 2 SESE

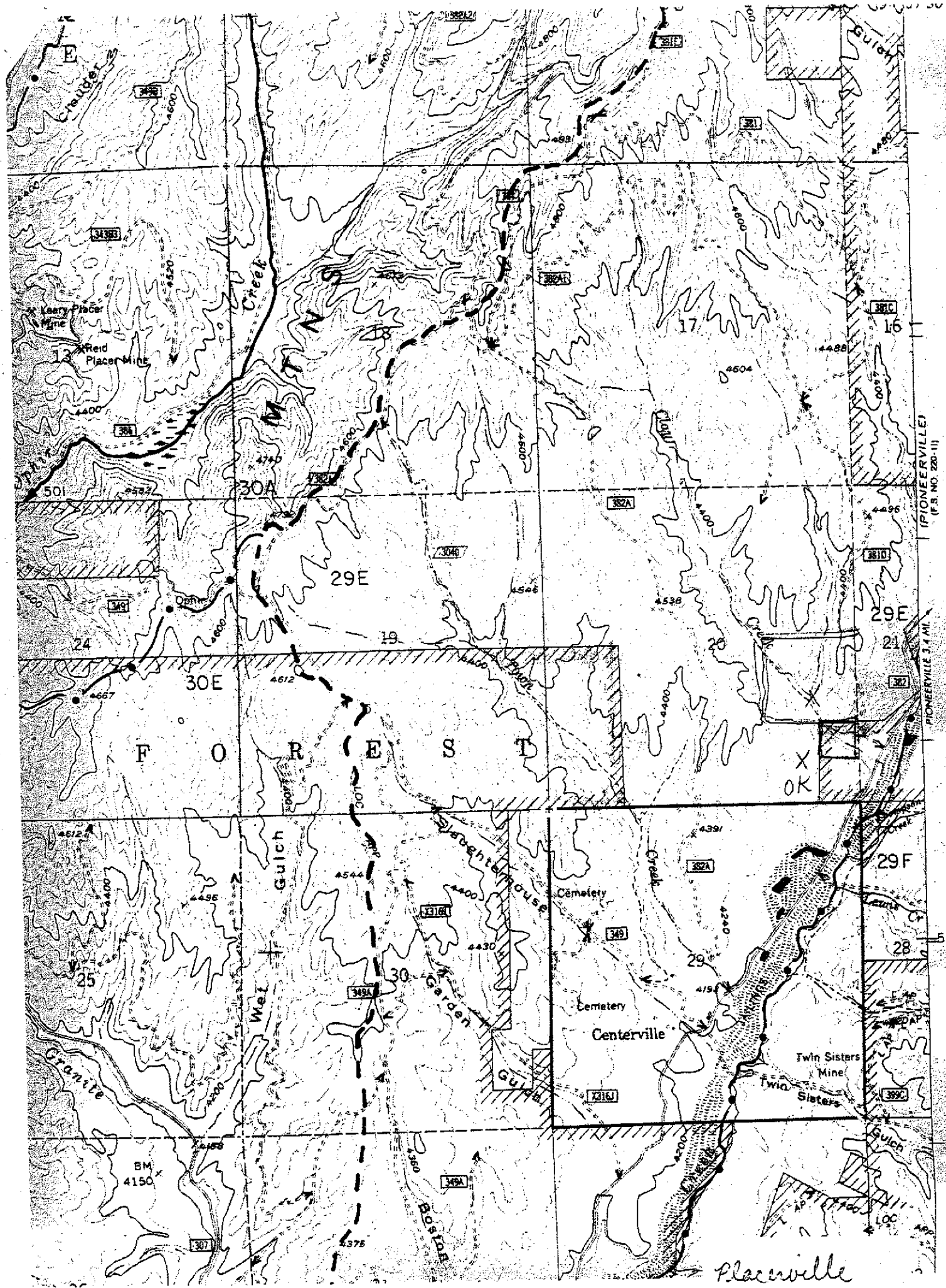
Recreation Storage Within Boise County
T07N R05E S20 Lot 2 SESE

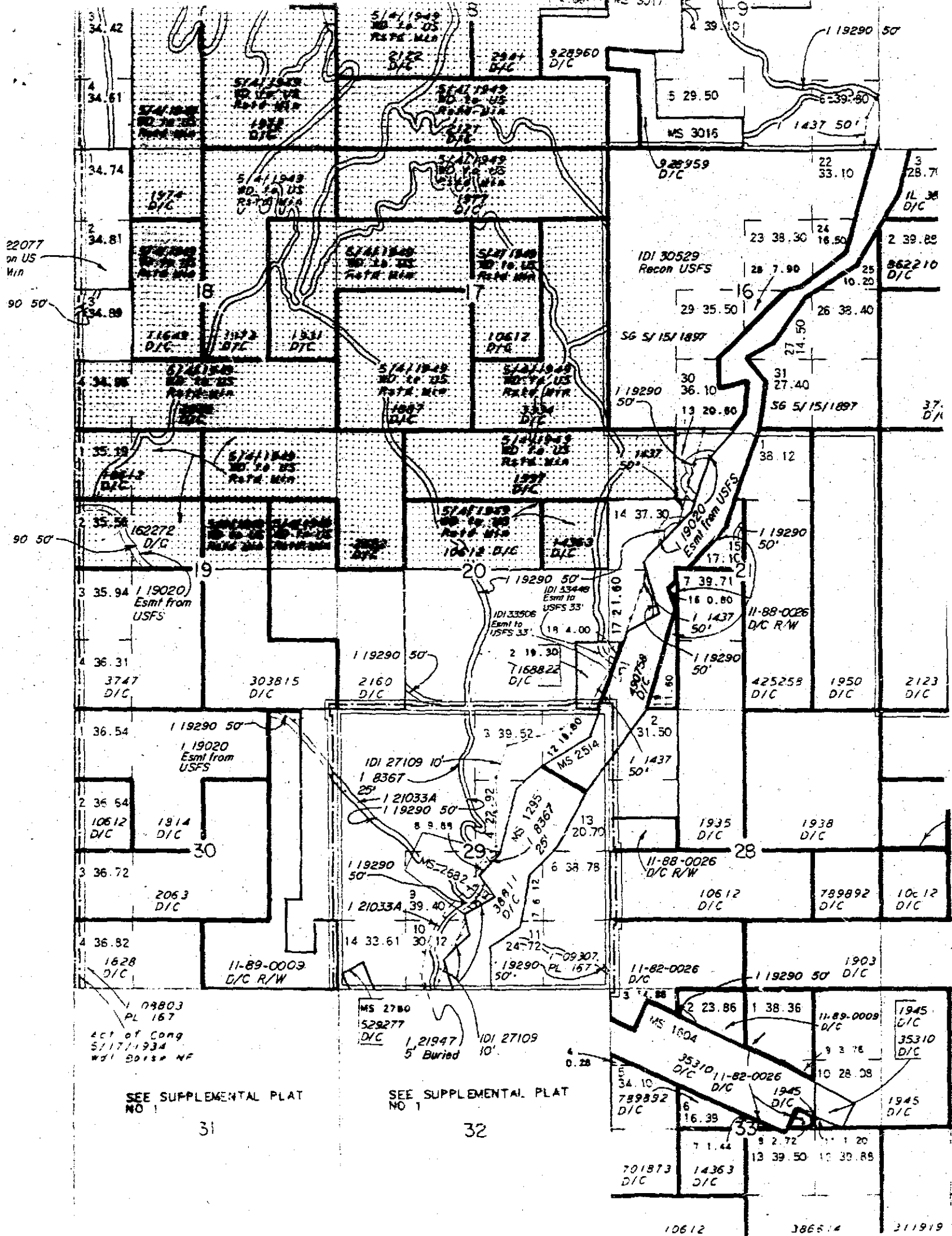
Other Provisions Necessary for Definition / Administration of this Water Right:

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

Explanatory Material: Basis of Claim - Beneficial Use

63 15243





Ron
(Med)

RECEIVED

FEB 3 - 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)

A. Subcase 63-15243

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: WILLIAM L. CARTER III

Address: 8452 DESERT AVE.

BOISE ID. 83709

Daytime Phone: 362-2578

Name & Address of Attorney, if any:

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

Name: WILLIAM L. CARTER, WILLIAM L. CARTER III, BETTY L. CARTER

Address: 8452 DESERT AVE.

BOISE ID. 83709

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: 5/01 - 8/31
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 above.

E. REASONS SUPPORTING OBJECTION(S): CLAY CREEK IS FROM
SNOW MELT AND RAIN RUNOFF. IN AN AVERAGE YEAR
THE FLOW STOPS BY THE SECOND WEEK OF JULY
THE PERIOD ALLOTTED ONLY ALLOWS SIX^{WEEKS} OF USE,
THE WATER USED IS NORMALLY RETURNED TO THE STREAMBED.

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 JAN. 30, 1993, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: W. L. CARTER JR.
Address: 8452 DESERT AVE.
BOISE ID 83709

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

JAN 31 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: _63-15243 _

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 USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name: William L. Carter

Address: William L. Carter III
Betty L. Carter
8452 Desert Ave.
Boise, ID 83709

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:
9. ☒ **Places of Use**
Should be: See E below.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The place of use, NESE of Section 20 T7N R5E shown on the Directors Report Recommendation is on National Forest System Land. The claimant is not authorized to occupy and use National Forest System lands for this purpose. This POU needs to be deleted from the Directors Report Recommendation. Last Chance placer claim was originally located on 8/1/1981. Lucky 13 placer claim was originally located on 8/8/1987. These claim files were closed by the BLM on 8/31/93.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

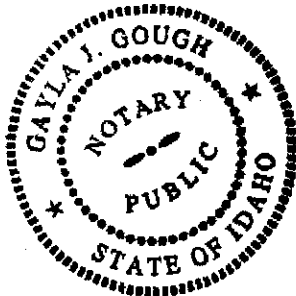
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael Collette
(Signature of person filing objections)

David N. Craig
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 30, 2003
Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

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 1/30/03, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: William L. Carter
Address: William L. Carter III
Betty L. Carter
8452 Desert Ave.
Boise, ID 83709

3. Copies to:

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

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

02/28/2002

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 63-15243

WILLIAM L CARTER
8452 DESERT AVE
BOISE ID 83709
Telephone Number: (208)362-3646

WILLIAM L CARTER III
8452 DESERT AVE
BOISE ID 83709

BETTY L CARTER
8452 DESERT AVE
BOISE ID 83709
Telephone Number: (208)362-3646

RECEIVED
MAR 27 2002
Department of Water Resources

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

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

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

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

DATE: 3/18/02 SIGNATURE: William L Carter
Please print your name: William L Carter

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

RECEIVED
MAR 28 2002
WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES 11/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-15243

NAME AND ADDRESS: WILLIAM L CARTER
8452 DESERT AVE
BOISE ID 83709

WILLIAM L CARTER III
8452 DESERT AVENUE
BOISE ID 83709

BETTY L CARTER
8452 DESERT AVE
BOISE ID 83709

SOURCE: CLAY CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 0.01 CFS
.02 AFY

PRIORITY DATE: 02/01/1956

POINT OF DIVERSION:
T07N R05E S20 NESESE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	6/01 8/31	0.010 CFS
RECREATION STORAGE	6/01 8/31	0.02 AFY
MINING	6/01 8/31	0.010 CFS

PLACE OF USE: RECREATION Within BOISE County
T07N R05E S20 SESE
RECREATION STORAGE Within BOISE County
T07N R05E S20 SESE
MINING Within BOISE County
T07N R05E S20 NESE T07N R05E S20 SESE

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

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

EXPLANATORY MATERIAL: Beneficial Use

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

CLAIM NO(s). 463-15243

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: 2-1-1956

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

Patents

3. ☐ No Change — SAME SOURCE

☒ Source is different than that claimed:

Source found: Clay Creek only - springs when they

flow are in the creek channel according to the claimant

4. ☐ No Change — POINT OF DIVERSION

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

Township 7N Range 5E Section 20 1/4 NE 1/4 SE 1/4 SE

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

per GPS

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

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

7. ☒ No Change - TOTAL VOLUME

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

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

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

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

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

Assisted by William Carter III.
No evidence of mining at the time of the
exam - pump used to take water from
pond for mining.

☒ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-16-01

FIELD EXAMINER: _____

Print Name

Mel Schulte
Signature

C18,

A63-15243

PHOTOS TAKEN 10/16/2001



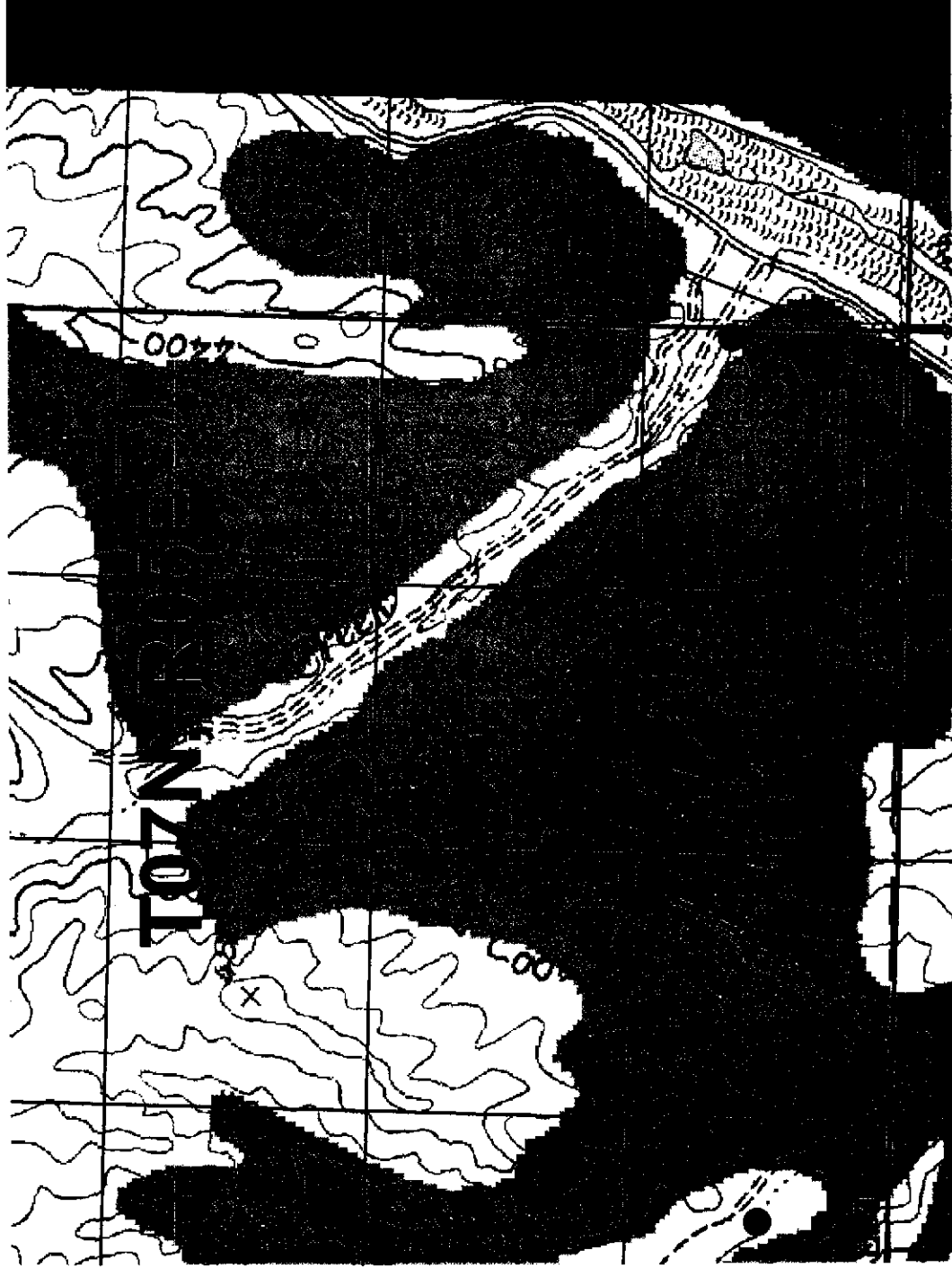
PHOTO #1
POD



PHOTO #2
POU-RECREATIONAL
POND

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R05E, S20



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

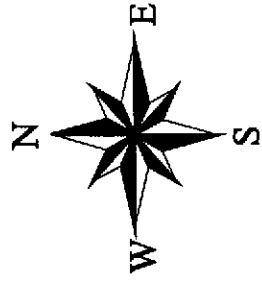
6 SECTION NUMBERS

CLAIM(S): 63-15243

OWNER(S): CARTER

DATE: NOVEMBER 7, 2001

by: Mel Schulte





Affidavit of Annual Assessment Work

OMB 1004-0114
Expires May 31, 1991

For Bureau of Land Management Use Only

For County Recorder's Use Only

RECEIVED
DEPT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OCT 17 1 06 PM '91
IDAHO STATE OFFICE
BOISE

Boise County Idaho ss
Request of

William L Carter

Time 12:00 M.T

Date 9/12/91

141938

Arlene C. Kolar

By Dale Yorker
Deputy

Fee \$9.00

The undersigned, as the agent for the owner or the owner of the mining claims listed on the reverse side of this instrument, who being first duly sworn certifies that:

At least 400 dollars worth of work or improvements were performed or made upon each mining claim listed on the reverse of this document. The mining claims/sites are situated in Centerville mining district, County of BOISE, State of Idaho.

Such expenditure was made by, for, or at the expense of William L Carter, owner of said claims, for the purpose of holding said claims. All stakes, monuments or trees marking boundaries of said claims are in proper place and position.

This annual assessment work was performed for the assessment year ending at 12 o'clock noon on September 1, 1991.

Witness my hand this 12 day of September, 1991.

Signature: William L Carter

Address: 8452 Resort Ave.

Boise, ID 83709

362-3646

State of Idaho)
County of Boise)

Subscribed and sworn to before me
this 12 day of September, 1991

(Seal)

Arlene C. Kolar
Dale Yorker
Notary Public or County Recorder

MICROFILMED

AUG 24 1992

Paperwork Reduction Act Statement (44 U.S.C. 3507)

This information is being collected to maintain your mining claim or site as required by Section 314 of the Federal Land and Policy Management Act of 1976 (43 U.S.C. 1744) and will be used to verify that the claimant continues to have an interest in the mining claim or site. Response to this request is mandatory in accordance with the statute (43 U.S.C. 1744).

7/1989

<u>Number</u>	<u>Name</u>	<u>Number</u>	<u>Name</u>
1. 63097	LAST CHANGE	26.	
2. 43158	WASHINGTON	27.	
3. 123476	LUCKY 13	28.	
4.		29.	
5.		30.	
6.		31.	
7.		32.	
8.		33.	
9.		34.	
10.		35.	
11.		36.	
12.		37.	
13.		38.	
14.		39.	
15.		40.	
16.		41.	
17.		42.	
18.		43.	
19.		44.	
20.		45.	
21.		46.	
22.		47.	
23.		48.	
24.		49.	
25.		50.	

If you have more than 50 claims, attach Exhibit listing other claims.

BLM Use: Money enclosed: 3 X \$5.00 = \$ 15.00
 (Total number of claims)

MICROFILMED

AUG 24 1992

PLACER MINING LOCATION NOTICE

IMC 123476

NOTICE IS HEREBY GIVEN, That the undersigned locator S and claimant S have discovered a placer deposit of minerals or other valuable deposits, and that the same is hereby located and claimed under the provisions of the laws of the United States and the State of Idaho;

Name of locator or locators: W. L. CARTER, W. L. CARTER III,

VINCE La GRANDER

That the name of this claim is LUCKY 13
 placer mining claim and is situate in the CENTERVILLE
 Mining District, County of BOISE, State of Idaho,
 and covers the area particularly described as follows, to-wit:

The corner monument upon which this notice is posted is situated about 655 feet in a
WEST
 direction from THE BRASS MARKER LOCATING THE S 1/4 OF S-20/S-21
(N.E. CORNER OF LOT SECTION -20) TO CORNER #1. THENCE NORTH 1312' TO
CORNER #2. THENCE WEST 655' TO CORNER #3. THENCE SOUTH
420' TO CORNER #4. THENCE 1107' SOUTH EAST TO THE
PLACE OF BEGINNING. THIS CLAIM CONTAINS 13.21 ACRES.

The adjoining claims are BORDERING THE LAST CHANCE ON THE EAST
AND CONNECTED TO THE ROCKY BAR (PATENTED) ON THE SOUTH EAST.

Each corner monument is marked with the name of the claim and the corner which each said monument represents, and the direction of the boundary lines extending therefrom, and all of said monuments are at least four inches in diameter and at least four feet high above ground.

Such mining claim was located on the 8TH day of AUGUST, 1987.

W. L. CARTER

W. L. CARTER III

VINCE La GRANDER

Locators and
Claimants

RECEIVED
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT.

AUG 11 12 18 PM '87

IDAH0 STATE OFFICE
BOISE, IDAH0

STATE OF IDAHO,
County of Boise } ss.

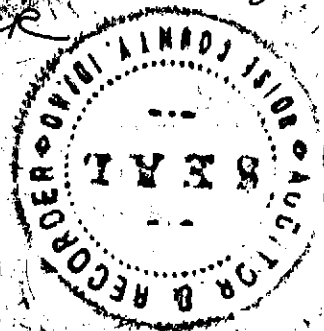
I, W. L. Carter

do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the LUCKY 13 placer claim; that the ground and claim therein described or any part thereof has not, to the best of my knowledge and belief, been previously located according to the laws of the United States and of this State, or if so located, that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws.

W. L. Carter

Subscribed and sworn to before me this 10 day of August, A. D. 1987

Bonnie West Deputy for
Arlene C. Kolar



No. _____

Placer Mining Location

Notice

Claim

District

STATE OF IDAHO,

County of Boise } ss.

I hereby certify that this instrument was filed for record at the request of

W. L. Carter

at _____ minutes past 900

o'clock M, this 10 day

of August, A. D. 1987

in my office and duly recorded in Book _____

offlined Mining Claims, at page _____

Arlene C. Kolar

Ex-Officio Recorder.

Boise County, Idaho.

By Bonnie West Deputy

Fees, \$ 6.00 124945

SYNTHETIC COMPANY, BOISE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
BOISE, IDAHO

August 20, 1985
(Date)

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY That the attached reproduction(s) is a (extract) copy
of documents on file in this office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused
the seal of this office to be affixed on the above day and year.

Anita Mayers
(Authorized Signature)
Anita Mayers
Acting Chief, Land Services Section

MICROFILMED

AUG 24 1992

ID-1270-1
June 1982

4-1002
(May 1909)

Idaho 05776

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there is now deposited in the Bureau of Land Management of the United States a Certificate of the

Land Office at **Boise, Idaho,**

accompanied by other evidence, whereby it appears that

Lula J. Marenholtz

did on **February 1, 1936** duly enter and pay for that certain mining claim or premises, known as the **Rocky Bar placer mining claim**, situate in **Centerville Mining District**, **Boise County, Idaho**, described as follows:

Boise Meridian, Idaho.

T. 7 N., R. 5 E.,

Sec. 20, Lot 2;

Sec. 21, Lot 18.

The premises herein granted contains **23.30 acres.**

Patent No. 1168822

MICROFILMED

AUG 24 1992

Idaho 05776

NOW KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said **Lulu J. Marsholts**

, the said placer mining premises, hereinbefore described;

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to **her heirs** and assigns forever; subject, nevertheless, to the following conditions and stipulations:

FIRST. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on **March 2, 1935**

SECOND. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from these presents.

THIRD. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

FOURTH. That in the absence of necessary legislation by Congress, the Legislature of **Idaho** may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

MICROFILMED

AUG 24 1992

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the **FIFTEENTH** day of **FEBRUARY** in the year of our Lord one thousand nine hundred and **FIFTY-SEVEN** and of the Independence of the

The said ~~United States~~ **United States** the one hundred and **EIGHTY-THIRD**,
According to the Official Statute of the Secretary of the Interior For the Director, Bureau of Land Management.

1168822
Patent No. **1168822**

By

Ruth W. Talley

Acting Chief, Patents Section.

10-10-01 *AB*

RECEIVED
OCT 11 2001
WATER RESOURCES
WESTERN REGION

State of Idaho
Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Claim No. 63-15243

Enclosed you will find a copy of the patent for the land located at T. 7N, R. 5E, Sec. 20, Lot 2; Sec. 21, Lot 18. Patent No. 1168822 granted February 15, 1957. This is a placer mining claim and the patent was granted based upon the amount of gold recovered. On page two of the patent document under the heading of "Third," you will find highlighted, the water rights granted by the United States.

Clay Creek is the only source of water available for the mining operation. Without the use of water from Clay Creek, the gold could not have been extracted and the patent would not have been granted.

A reservoir approximately forty-five feet in diameter and five feet deep does exist, which provides water for mining, fire suppression, and wild life during the summer when Clay Creek is not running.

In reference to ground water use, a well is in use to provide water to the cabin on this property, I have personal knowledge of the well being used since 1979; the well existed many years previous to this, however the persons who had the well drilled are deceased and I can find no documentation as to the year in which the well was drilled.

I trust that the document provided shows "Evidence of Priority" use.

Sincerely,

W. L. Carter III

W. L. Carter III
8452 Desert Ave.
Boise, Idaho

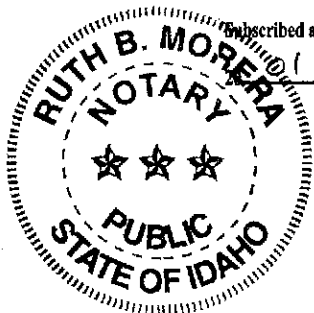
JURAT

State of IDAHO
County of ADA

Subscribed and sworn/affirmed to before me this 10 day of Oct.
by W. L. Carter III

Ruth B. Morera
Notary Public

My Commission Expires: 7/1/2003



The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there is now deposited in the Bureau of Land Management of the United States a Certificate of the

Land Office at **Boise, Idaho,**

accompanied by other evidence, whereby it appears that

Lulu J. Marenholtz

did on **February 1, 1956** duly enter and pay for that certain mining claim or premises, known as the **Rocky Bar** placer mining claim, situate in **Centerville Mining District,** **Boise County, Idaho,** described as follows:

Boise Meridian, Idaho.

T. 7 N., R. 5 E.,

Sec. 20, Lot 2;

Sec. 21, Lot 18.

The premises herin granted contain **23.30** acres.

Now KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said **Lulu J. Marenholtz**

, the said placer mining premises, hereinbefore described;

To HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to

her heirs and assigns forever; subject, nevertheless, to the following conditions and stipulations:

FIRST. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on **March 2, 1955**

SECOND. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from these presents.

THIRD. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

FOURTH. That in the absence of necessary legislation by Congress, the Legislature of **Idaho** may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in the District of Columbia, the **FIFTEENTH** day of **FEBRUARY** in the year of our Lord one thousand nine hundred and **FIFTY-SEVEN** and of the Independence of the United States the one hundred and **EIGHTY-FIRST.**

For the Director, Bureau of Land Management.

Patent No. **1168822**

By

Reith W. Lally

Acting

Chief, Patents Section.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

WILLIAM L CARTER
8452 DESERT AVE
BOISE, ID 83709

Re: Claim No(s) 63-15243

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

AMENDED

CLAIM

A63-15243

Lucky 13
NESE SEC 20

Lucky 13
claim

LAST CHANCE
CABIN LOC. SWSW SEC 21

Rocky BAR
SESE
SEC 20
LT 2

T. 7 N.

T. 6 N.

MICROFILMED

AUG 24 1992

