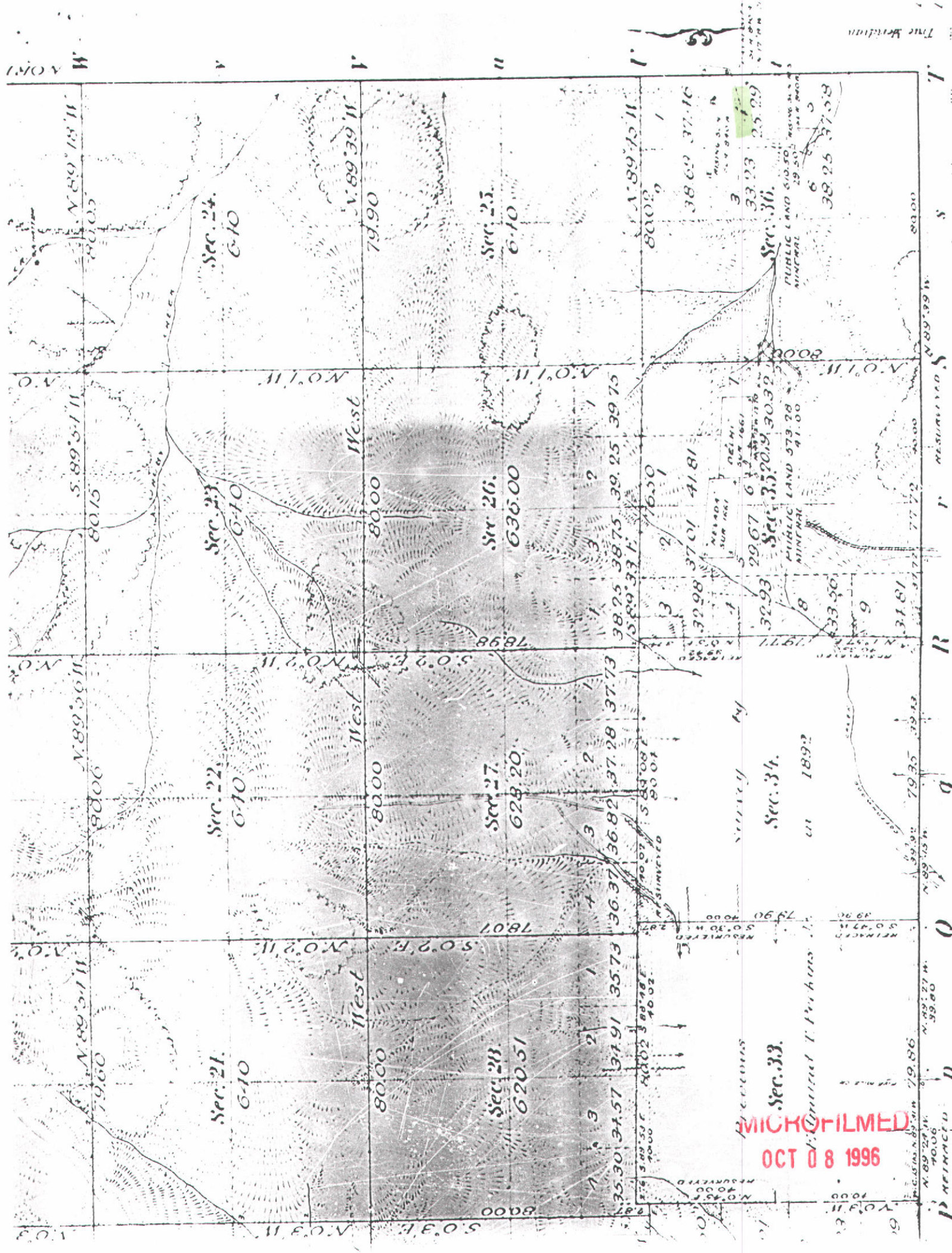
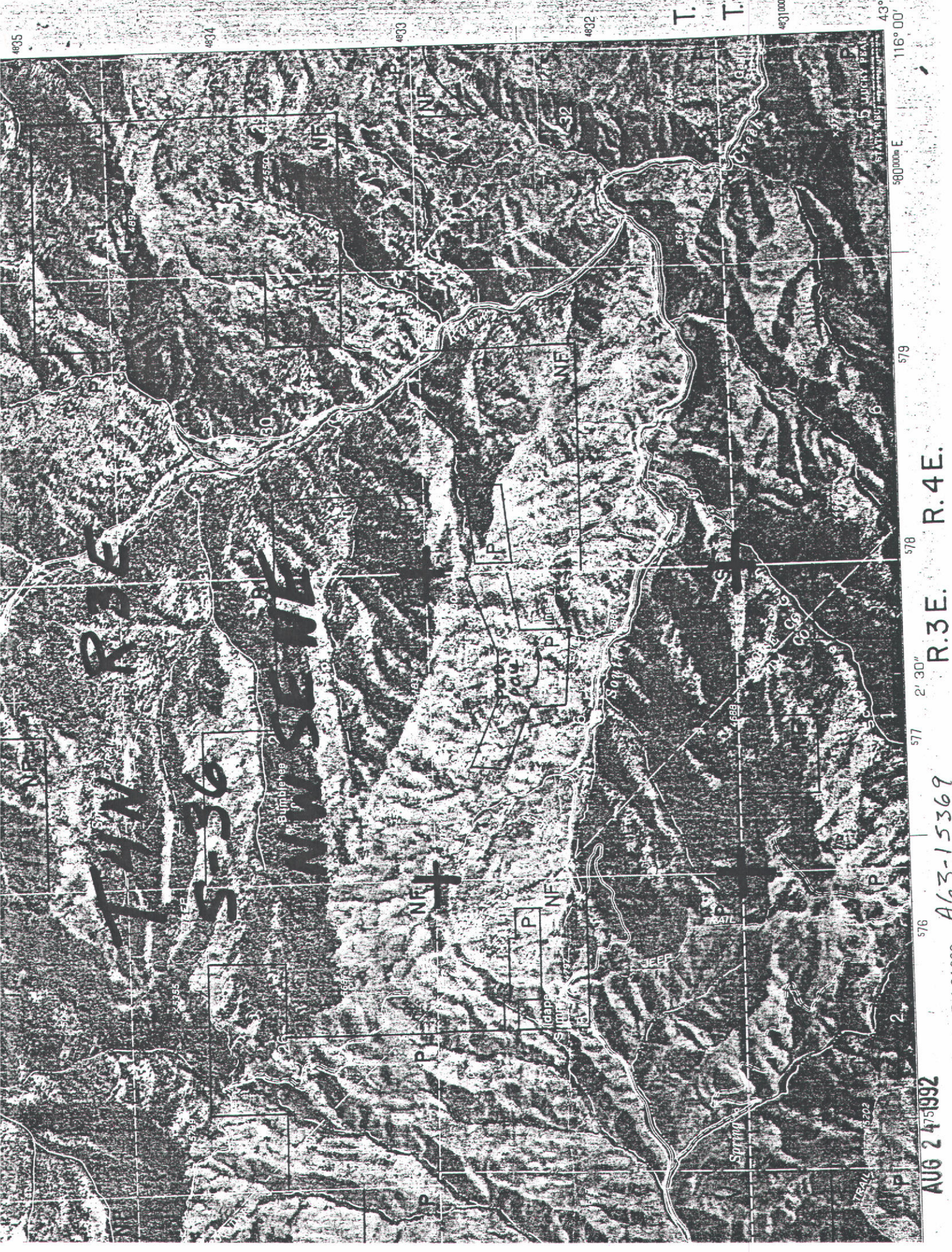






T4N R3E
S-36
NW SE NE

AUG 27 1992

A123-15369

R.3E.

R.4E.

579

577

2' 30"

578

58000m E

58000m E

116° 00'

43° 3'

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: **A63-15369**
Date Received: 5/17/1989
Receipt No: W002820
Received By: _____

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

1. Name: BARE BACKERS INC 208-322-6853
Address: PO BOX 5781
BOISE ID 83705
2. Date of Priority: MAY 1, 1850
3. Source: SPRING Trib. to: ROBIE CREEK, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03E	36	NW	SE	NE		BOISE
5. Description of diverting works:
SPRING BOX, PIPELINE, SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
ONE DOMESTIC MOBILE HOME
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03E	36	SE	NE		DOMEST	
11. Place of use in counties: BOISE

MICROFILMED
OCT 08 1996

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

13. Other Water Rights Used:
NONE

14. Remarks:

STORAGE RESERVOIR FILLS IN LESS THAN 24 HOURS, THIS SPRING COMES
FROM A MINE TUNNEL AND WAS USED FOR MINING PURPOSES.
OWNERSHIP CHANGED BY LH 3/13/95.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

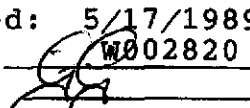
Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-15369
Date Received: 5/17/1989
Receipt No: W002820
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOISE RIDGE MINING AND MILLING CORP 208-345-2655
Address: 105 WEST 41st
BOISE, ID 83714
2. Date of Priority: MAY 01, 1850
3. Source: SPRING Trib. to: ROBIE CREEK, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	03E	36	NW	SE	NE		BOISE
5. Description of diverting works:
SPRING BOX, PIPELINE, SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
ONE DOMESTIC MOBILE HOME
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	03E	36	SE	NE		DOMEST	
11. Place of use in counties: BOISE

A63-15369

Page 1

Date: 05/17/89

MICROFILMED

AUG 24 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:
STORAGE RESERVOIR FILLS IN LESS THAN 24 HOURS, THIS SPRING COMES FROM A MINE TUNNEL AND WAS USED FOR MINING PURPOSES.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of

Boise Ridge Mining & Milling Inc. that I have signed the foregoing
Organization

document in the space below as Secretary of

Boise Ridge Mining & Milling Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Bill Claiborne
Signature of Authorized Agent

Secretary - Boise Ridge Mining & Milling Inc.
Title and Organization

5-17-89

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of MAY 19 89

Seal

Melvin Gene Gibson
Notary Public

Melvin Gene Gibson, Notary Public

Residing at Boise, Idaho

Residing at ~~My Commission Expires September 2, 1994~~

My Commission Expires _____

RECEIVED

JAN 28 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 63-15369
(insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: Alan B. Coffey

Address: 2121 S. Edgemoor
Boise, Id 83705

Daytime Phone: 375-7924

Name & Address of Attorney, if any:

John Coffey
603 N 7th
Court D, Alexia, Id
83819



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Bare Beckus Inc.

Address: PO Box 5781
Boise, Idaho 83725

NOTE: NOTICE TO DISMISS PARTIAL DECREE DENIED BY SRBA
COURT.

☒ 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** 3/17/1989
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use** Recreation
Should be: _____
8. ☐ **Period of Year**
Should be: _____
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.

☒ **REASONS SUPPORTING OBJECTION(S):** See Attached

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Ada)

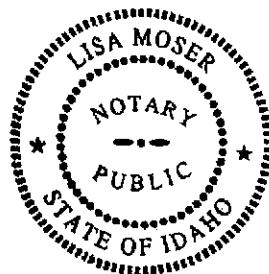
Allan E Cafferty, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Allan E Cafferty
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 27, 2003
LMoser



Notary Public for _____
Residing at: Boise, ID
My Commission Expires: 5-9-08

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 27, ²⁰⁰³~~199~~, 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:

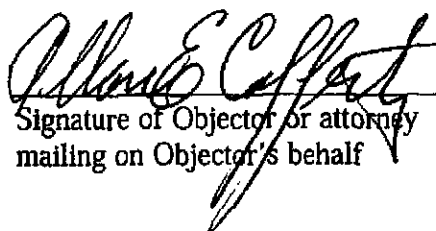
Name: Bare Backers Inc.
Address: PO Box 5781
Boise, ID 83705

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

The Boise Ridge Mining and Milling Corp. filed a claim for beneficial domestic use of surface water on May seventeenth, 1989. They were assigned water right #63-15369 for this claim. May 17, 1989 should be their priority date. Water right #63-15369 was then transferred to the Bare Backers Inc. in 1991. Since 1991, when the Bare Backers Inc. began diverting water, my supply has been short. As a direct result of this diversion I am able to irrigate only half of the fifteen acres which water license #63-3422 gives me the right to. The lack of water has caused my apple crop to fail, and I have been unable to plant a garden in an area where there had been one for over sixty years.

The use of water by the Bare Backers is not domestic; rather, it is recreational. The purpose for which they were organized, as stated in their articles of incorporation on April Sixteenth, 1994, is, "To organize a membership corporation whose members believe and support the cultivation and development of physical, moral and social health and well being through exercise, ecological preservation, naturalist research and social activities, under natural conditions, by both sexes of all ages." They have organized to recreate together.

I have had limited success with contacting the Bare Backers Inc. when my stream flows have been low in the past. In August of 2001 I contacted the president of the Bare Backers Inc., and informed him that I had run out of

water, and that I would appreciate it if they would discontinue diversion of water for all but basic domestic use. The Bare Backer President said that he would be glad to do so, but there wasn't any water to let go. Their supplies had gone completely dry. I found this hard to believe, since it had never happened in the past, and asked if I could come and see for myself. He obliged, and we set up a meeting time and agreed to meet at the entrance to the Bare Backer Compound. When the time came, my grandfather went in my place, along with Jan Blum. The appointment was broken by the Bare Backers that day when no one showed up. Magically, a day later, there was water in the stream. There had been no precipitation of any kind in the interim. This year, when I contacted the Bare Backers, I was told by their leader that they didn't have to return any water to me, and that their right entitled them to the water they were diverting, regardless of the diversions effect on my flow. This statement was made prior to a visit by a representative of the Department of Water Resources. During his visit, on or about the 25th of September, the gentleman from the Department of Water Resources found the Bare Backers Inc. to be diverting illegally.

The present diversions are a problem because there simply is not enough water left over for me to irrigate the fifteen acres to which I have a right to irrigate. In my past dealings with the Bare Backers I have tried to cooperate as

much as possible. I have had little to no success with this approach. The very nature of their organization is recreational, and they did not use any water or file a claim for it until 1989.

SRBA PARTIAL DECREE 63-15369

Issued on 05-08-2001.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	BARE BACKERS INC PO BOX 5781 BOISE, ID 83705		
SOURCE:	SPRING	TRIBUTARY: ROBIE CREEK, SOUT	
QUANTITY:	0.04 CFS		
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED GALLONS PER DAY.		
PRIORITY DATE:	05/01/1850		
POINT OF DIVERSION:	T04N R03E S36	NWSENE	Within Boise County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTIT
	Domestic 1 HOME	01-01 TO 12-31	0.04 C
	DOMESTIC ORGANIZATION CAMP		
PLACE OF USE:	Domestic	Within Boise C	
	T04N R03E S36	SENE	
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:			
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS N DETERMINATION OF HISTORICAL BENEFICIAL USE.			
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).			

[Return to SRBA Home Page](#)

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: ROBIE CREEK, SOUTH FORK

RIGHT NUMBER: 63-15369

NAME AND ADDRESS: BARE BACKERS INC
PO BOX 5781
BOISE ID 83705

SOURCE: SPRING TRIBUTARY: ROBIE CREEK, SOUTH FORK

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 05/01/1850

POINT OF DIVERSION: T04N R03E S36 NWSENE Within BOISE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC ORGANIZATION CAMP	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BOISE County
T04N R03E S36 SENE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP 04N03E361250

COPY

RECEIVED

NOV 20 1998

1998 NOV 19 11:15
Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

Notice of Completed
Administrative Proceedings

RECEIVED

DEC 09 1998

WATER RESOURCES
WESTERN REGION

IDWR has completed the following Administrative Proceeding: The description of domestic use on right number 63-15369 has been corrected.

IDWR certifies that it has completed its investigation into the changes to the water right listed above as set forth in the attached *Amended Director's Report* for said water right.

IDWR has served copies of this notice and the *Amended Director's Report* on the claimant(s), prior claimant(s), and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: November 12, 1998


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-13, 1998, I mailed the original and copies of this form, to the following persons, 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, Idaho 83303-2707
2. One copy to:
Bare Backers Inc.
P.O. Box 5781
Boise, ID 83705
3. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
4. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Sandy Egbert
Signature of person mailing this form

AJ0749NP
No. R63-15369

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/22/98
PAGE: 1

OWNER CODE NAME & ADDRESS
C BARE BACKERS INC
PO BOX 5781
BOISE ID 83705
(208) 322-6853

PRIORITY DATE 05/01/1850 DOMESTIC

WATER USE

USE PERIOD FROM 01-01 12-31 TO

DIVERSION RATE 0.04 CFS

DIVERSION VOLUME 0.04 CFS

TOTAL DIVERSION: 0.04 CFS

Water Source: SPRING

Tributary to: ROBIE CREEK, SOUTH FORK

Stage: BENEFICIAL USE

Point(s) of Diversion: T04N R03E S36 NWSENE

BOISE County

Place of Use Legal Description for: DOMESTIC

NE

SW

SE

ENE NWNE SENE : NEW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :

T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :

04N 03E 36 : D :

POU County: BOISE

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000

- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP 04N03E361250

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Comments: Date: 02/11/1997 User-ID: CORR2 Subject: COPIED FROM REMARKS
STORAGE RESERVOIR FILLS IN LESS THAN 24 HOURS, THIS SPRING COMES
FROM A MINE TUNNEL AND WAS USED FOR MINING PURPOSES.
OWNERSHIP CHANGED BY LH 3/13/95.

Audit: 04/22/98 CWALKER



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 13, 1995

Re: Notice of Claim to a Water Right No. A63-15369

Bare Backers, Inc.
P.O. Box 5781
Boise, ID 83705

Claimant(s):

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1

cc: Boise Ridge Mining & Milling

MICROFILMED

OCT 08 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ5808NP
(00-26)

WATER RIGHT NUMBER - A63-15369 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (C) NUMBER -
+ - - - - LAST NAME - - - - + + - - - - FIRST NAME - - - - + + - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
BOISE RIDGE MINING AND MILLING CORP
1 - 105 WEST 41ST
2 -
3 -
CITY- BOISE
PHONE - 208-245-2655
STATE- ID ZIP- 83714

+ - - - - PRIORITY DATE - - - - + + - - - - REGION - - - - + + - - - - STAGE - - - - + + - - - - STATUS - - - - +
05/01/1850 ERROR IN REGION J - BENEFICIAL USE
+ - - - - SOURCE - - - - - + + - - - - TRIBUTARY - - - - - + + - - - - STATUS - - - - +
SPRING ROBBIE CREEK, SOUTH FORK

+ - - - - RNG SEC TRACT LOT RFLC COUNTY POINT OF DIVERSION - - - - - + + - - - - STREAM INDEX (BLANK IF NO INDEX CODE) - - - - - +

04N 03E 36 NW SE NE (15) BOISE

+ - - - - CODE DESCRIPTION PERIOD FROM PERIOD TO WATER USE - - - - - + + - - - - DIVERSION RATE DIVERSION VOLUME - - - - - +

43 - DOMESTIC 01/01 12/31 0.040

+ - - - - TOTAL DIV. RATE - - - - + + - - - - TOTAL DIV. VOLUME - - - - + + - - - - TOTAL DIV. CAPACITY - - - - + + - - - - TOTAL CONSUMPTIVE USE - - - - + + - - - - KW USAGE - - - - +

+ - - - - TWN RNG SEC TRACT LOT ACRES PLACE OF USE CODE DESCRIPTION COUNTY

04N 03E 36 SE NE 43 DOMESTIC (15) BOISE

+ - - - - DIVERSION MEANS - SPRING BOX, PIPELINE, SPRINKLERS

+ - - - - NON-IRRIGATION USE - ONE DOMESTIC MOBILE HOME

+ - - - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
STORAGE RESERVOIR FILLS IN LESS THAN 24 HOURS, THIS SPRING COMES FROM A MINE TUNNEL AND WAS USED FOR MINING PURPOSES.

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

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

+ - - - - DECREE PLAINTIFF - - - - + + - - - - DECREE DEFENDANT - - - - + + - - - - DECREE DATE - - - - +
00/00/0000

+ - - - - AUDIT FIELDS - 05/17/89 GIESUN

[illegible]

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	

CERTIFIED
JUL 18 1991
WATER EXAMINER

VERIFIED
JUL - 1991

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 09 1995

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: N/A

LEGAL DESCRIPTION OF PROPERTY: Township 04N Range 03E
Section 36, NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A63-15369

☒ Name and Address of Former Owner/Claimant(s)(Seller): Boise Ridge Mining & Milling Inc
105 West 41st

☒ New Owner/Claimant (Purchaser): Boise Idaho 83714
Bare Backers Inc

☒ New Mailing Address: Po Box 57 R1
Boise Idaho 83705

☒ New Telephone Number: (208) 322-6853

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: _____

(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): Jack E. Fackin President Date 3-7-95

☐ Signature of Former Owner/Claimant(s): _____ 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: 3-13-95 By: JED

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 3-13-95 By: JED

Claim Numbers of Split, if any:

MICROFILMED

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

MAY 08 1996

X PLZ. COMPLETE & RETURN TO: 2735 AIRPORT WAY, BOISE, ID 83705

RECEIVED

2001 8 9 AM

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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WARRANTY DEED

WATER RESOURCES
WESTERN REGION

BOISE RIDGE MINING AND MILLING, INC., an Idaho corporation, Grantor, hereby grants, bargains, sells and conveys to the BARE BACKERS, INC., an Idaho corporation, as Grantee, P.O. Box 5781, Boise, Idaho 83705, for value received, the premises in Boise County, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by reference, including but not limited to all patented mining claims and all gas, oil and mineral rights above and below the property and water and timber rights associated therewith and all appurtenances thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the Grantee and the Grantee's administrators and assigns forever. Grantor hereby covenants to and with the Grantee that Grantor is the owner in fee simple of said premises and that Grantor will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this Deed hereby certify this Deed and the transfer represented hereby was duly authorized under a resolution duly adopted by the shareholders of the Grantor at a lawful meeting duly held and attended by shareholders holding the majority interest in said corporation.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 16 day of March, 1994.

BOISE RIDGE MINING AND MILLING, INC.

By Curtis L. Beringer
Curtis L. Beringer, President

By Aleks Gordon
Aleks Gordon, Secretary

STATE OF IDAHO)
 : ss.
County of Ada)

On this 16th day of March, 1994, before me, the undersigned, a notary public in and for said county and state, personally appeared Curtis L. Beringer and Aleks Gordon, known or identified to me to be the President and Secretary, respectively, of Boise Ridge Mining and Milling, Inc., the corporation that

BOISE COUNTY IDAHO SS
REQUEST OF

Shirley Spratt

DATE 16th MICROFILME

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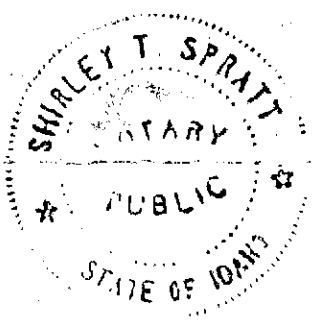
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RONA A. GARDY
BY Shirley Spratt
NOTARY PUBLIC
1222

executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that said corporation 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.

Shirley T. Spratt
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission Expires 8/24/99



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WATER RESOURCES
WESTERN REGION

151028

BOISE COUNTY IDAHO SS
REQUEST OF
J. Anderson
DATE *11-25-94* TIME
ARLENE C. KOLAR
DEPUTY
FEE \$12.00

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EXHIBIT A

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WATER RESOURCES
WESTERN REGION

The following property located in Boise County, Idaho:

Lot four (4) in Section 36, T 4 N, R 3 E, BM;

ALSO, the following described patented lode mining claims:

Boise Lode Mining Claim No. 2398,
Rising Sun Mining Claim No. 840 A,
Paymaster Consolidated Lode Mining Claim, No. 840 A,
Ida Lode Mining Claim, No. 2399 A,
Rising Sun Millsite No. 840 B,
Yellow Jacket Lode Mining Claim No. 2399 A,
Last Chance Lode Mining Claim No. 2397

All of above mining claims situated in Section 36, T 4 N,
R 3 E, BM;

AND

North Star Lode Mining Claim No. 2676, situated in Section 31,
T 4 N, R 4 E, BM.

AND INCLUDING THE FOLLOWING DESCRIBED PARCEL located in Section 36,
T 4 N, R 3 E, BM, Boise County, Idaho, known as TX 92:

A portion of Government Lot 13 (formerly Government Lot 6), of Section 36, Township 4 North, Range 3 East, Boise Meridian, Boise County, Idaho, lying Northerly of the centerline of a county road, said tract being described as follows:

Commencing at a found stone monumenting the North 1/4 Corner of said Section 36; thence along the north-south center-of-section line South 0°26'37" East a distance of 2648.47 feet to a set steel pin, set to monument the Center 1/4 Corner of said Section 36 (from which a Brass Cap monumenting the West 1/4 corner of said Section 36 bears South 89°40'13" West a distance of 2628.88 feet), thence along the northerly line of said Government Lot 13, North 89°40'13" East a distance of 376.45 feet to a point on the westerly line of the Yellow Jacket Mining Claim; thence along said westerly line South 9°04'50" West a distance of 24.83 feet to Corner Number 3 of said Yellow Jacket Mining Claim, said corner being the REAL POINT OF BEGINNING; thence along the southerly line of said mining claim, South 80°06'58" East a distance of 955.75 feet to a point on the easterly line of said Government Lot 13; thence following said easterly line South 0°34'19" East a distance of 65.94 feet to a point of the northerly line of the Rising Sun Mill Site; thence along said Northerly line North 70°37'28" West a distance of 132.18 feet to Corner Number 4 of said mill site; thence following the westerly line of said mill site South 19°15'53" West a distance of 118.62 feet to a point in the centerline of a county road; thence following the centerline of said county road the following courses; Northwesterly a distance of 88.36 feet along the arc of a circular curve concave to the southwest, said curve having a central angle of 11°00'20" a radius of 460.00 feet, a chord bearing of North 83°01'50" West a chord distance of 88.22 feet to a point; thence North 88°32'00" West a distance of 81.97 feet to a point; thence North 78°26'00" West a distance of 65.78 feet to a steel pin; thence North 64°18'00" West a distance of 58.76 feet to a point; thence North 72°17'00" West a distance of 93.95 feet to a point; thence North 81°05'00" West a distance of 125.16 feet to a point; thence North 84°41'00" West a distance of 136.37 feet to a point; thence North 88°41'00" West a distance of 76.23 feet to a point; thence North 89°06'00" West a distance of 95.58 feet to a point; thence leaving said centerline North 9°04'50" East a distance of 185.09 feet to the REAL POINT OF BEGINNING.

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EXCEPTING THEREFROM the following parcel of property located in Section 36, T 4 N, R 3 E, BM, Boise County, Idaho, known as TX 113:

That portion of the Rising Sun Mill Site Mining Claim lying southerly of a county road, said claim being situate in the Southeast 1/4 of Section 36, Township 4 North, Range 3 East, Boise Meridian, Boise County, Idaho, said tract being described as follows:

Commencing at a found stone monumenting the North 1/4 Corner of said Section 36, thence along the north-south center of section line South 0°26'37" East a distance of 2648.47 feet to a set steel pin, set to monument the Center 1/4 Corner of said Section 36 (from which a brass Cap monumenting the West 1/4 Corner of said Section 36 bears South 89°40'13" West a distance of 2628.88 feet), thence along the northerly line of said Government Lot 13, North 89°40'13" East a distance of 376.45 feet to a point on the westerly line of the Yellow Jacket Mining Claim thence along said westerly line South 9°04'50" West a distance of 24.83 feet to Corner Number 3 of the Yellow Jacket Mining Claim; thence along the southerly line of said mining claim, South 80°06'58" East a distance of 955.75 feet to a point on the easterly line of said Government Lot 13, thence following said easterly line South 0°34'19" East a distance of 65.94 feet to a point on the northerly line of the Rising Sun Mill Site; thence along said northerly line North 70°37'28" West a distance of 132.18 feet to Corner Number 4 of said Mill site; thence following the westerly line of said mill site South 19°15'53" West a distance of 118.62 feet to a point in the centerline of a county road, said point being the REAL POINT OF BEGINNING; thence leaving the westerly line of said mill site and following the centerline of said county road the following courses:

Southeasterly a distance of 238.00 feet along the arc of a circular curve concave to the southwest, said curve having a central angle of 29°38'40" a radius of 460.00 feet, a chord bearing of South 62°42'20" East a chord distance of 235.36 feet to a point; thence South 49°02'17" East a distance of 61.93 feet to a point; thence South 44°21'34" East a distance of 71.17 feet to a point; thence South 40°42'03" East a distance of 42.95 feet to a point; thence South 48°51'07" East a distance of 33.96 feet to a point; thence South 49°40'30" East a distance of 57.53 feet to the easterly line of said Rising Sun Mill Site; thence leaving the centerline of said county road and following the easterly line of said Rising Sun Mill Site South 2°49'30" West a distance of 148.67 feet to Corner Number 2 of said Rising Sun Mill Site; thence following the southerly line of said Rising Sun Mill Site North 68°33'19" West a distance of 519.18 feet to Corner Number 3 of said Rising Sun Mill Site; thence following the westerly line of said Rising Sun Mill Site North 19°15'53" East a distance of 265.06 feet to the Real Point of Beginning.

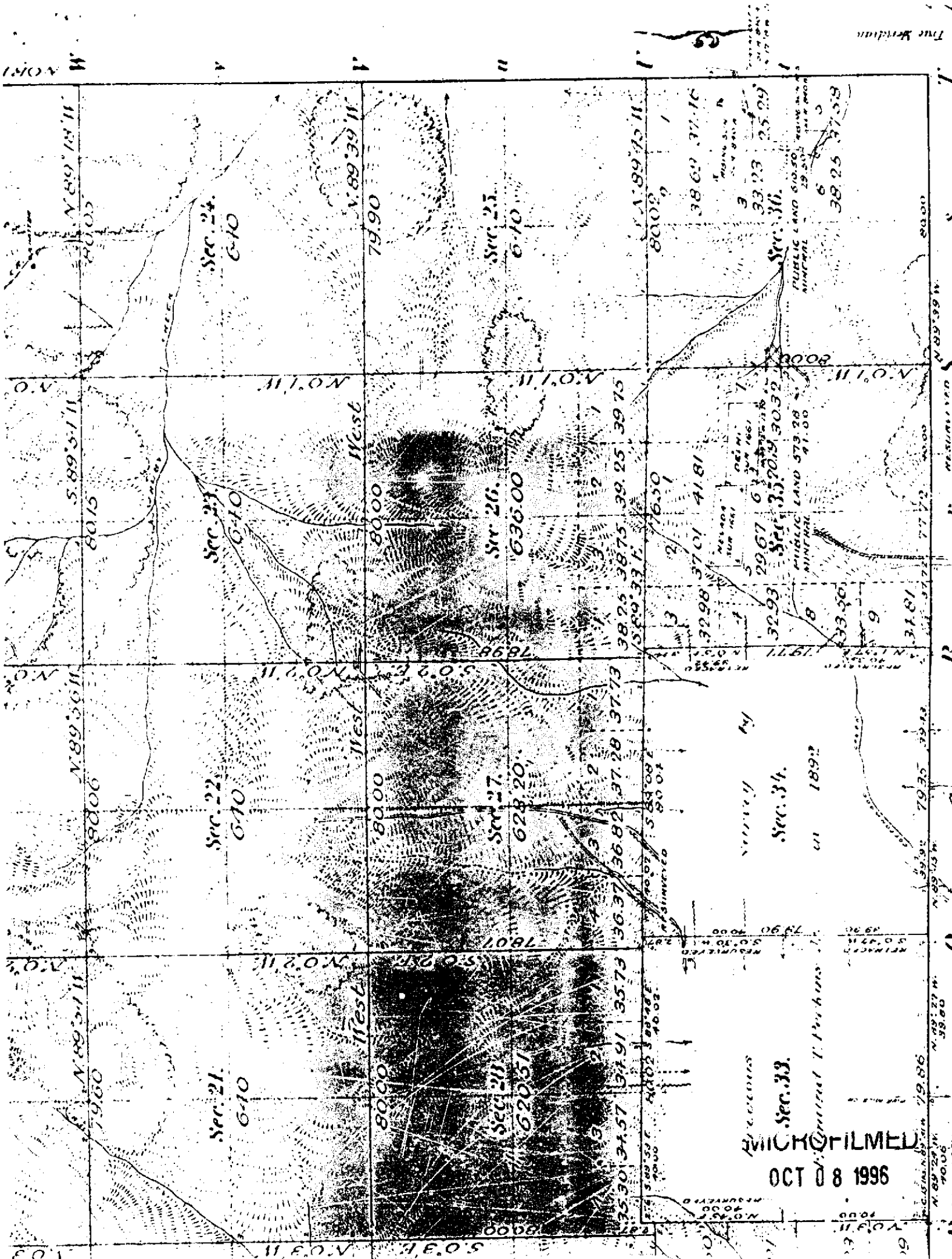
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