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SYSTEM



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-15371
Date Received: 5/17/1989
Receipt No: W002820
Received By: [Signature]

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

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

13. Other Water Rights Used:
NONE

14. Remarks:
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 Charbone
Signature of Authorized Agent

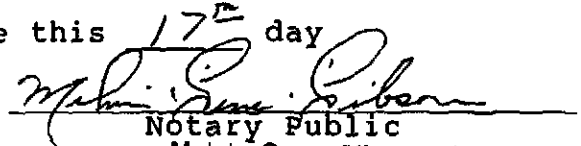
Sec. - Boise Ridge Mining & Milling Inc.
Title and Organization

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


Notary Public

Melvin Gene Gibson, Notary Public
Residing at Boise, Idaho

Residing at My Commission Expires September 2, 1994

My Commission Expires _____

RECEIVED

JUN 12 2003

Department of Water Resources

John A. Cafferty
P.O. Box 9000
Coeur d'Alene, Idaho 83816-9000

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(s): 63-15370, 63-15371
) and 63-15372
)

Case No. 39576
_____)

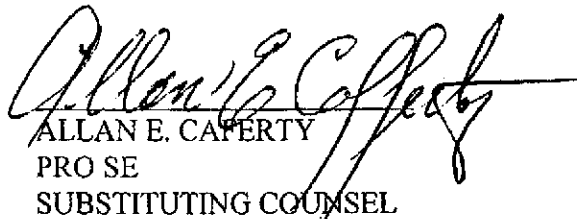
NOTICE OF
SUBSTITUTION OF COUNSEL

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that ALLAN E. CAFFERTY,
pro se, is hereby substituted as counsel of record in the above referenced cases in the place of
John A. Cafferty, Attorney at Law, pursuant to IRCP 11(b)(1).

It is further requested that copies of all pleadings and correspondence be forwarded to
ALLAN E. CAFFERTY, at 2121 S. Eagleson, Boise, Idaho 83705.

DONE AND DATED this 28th day of May, 2003.


ALLAN E. CAFFERTY
PRO SE
SUBSTITUTING COUNSEL

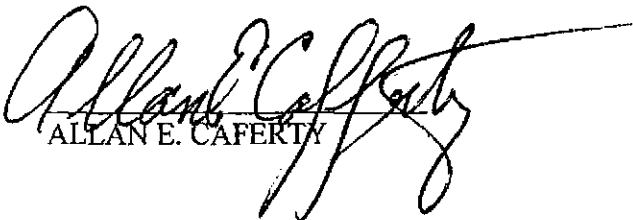

JOHN A. CAFFERTY
ATTORNEY AT LAW
WITHDRAWING COUNSEL

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **NOTICE OF SUBSTITUTION OF COUNSEL** was mailed on ~~May~~ June 8, 2003, with sufficient first-class postage prepaid to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Boise Ridge Mining and Milling
105 West 41st
Boise, ID 83714


ALLAN E. CAFFERTY

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

Case No. 39576

Subcase 63-15371
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Allyson B. Cafferty
2121 S. Edgemoor
Boise, Idaho 83725
208-375-7924

Name & Address of Attorney, if any:

John Cafferty
603 N. 7th
Coeur d'Alene Id.
83814

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

Name:

Address:

Bare Backers Inc.
PO Box 5781
Boise ID 83705

NOTE: MOTION 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**
Should be: 5/17/1989
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Recreational
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

E

VERIFICATION (Must be Completed)

State of Idaho)
County of Ada) ss.

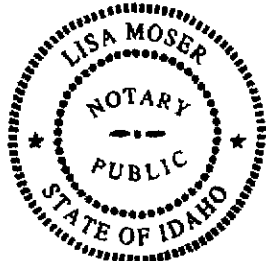
Allan E Cafferty, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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



L Moser
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.

C

CERTIFICATE OF MAILING

I certify that on 1/27/03, 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:

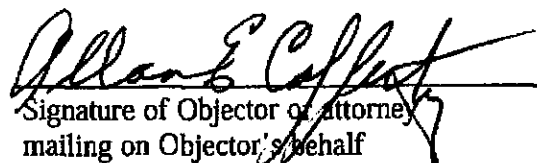
Name: Bare Backers Inc.
Address: PO Box 5781
Boise, ID 83705

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 63-15371

Issued on 12-30-1999.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	BOISE RIDGE MINING AND MILLING		
	105 WEST 41st		
	BOISE, ID 83714		
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
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](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

63-15371
BOISE RIDGE MINING AND MILLING CORP
105 WEST 41st
BOISE ID 83714

RE: Domestic and/or Stockwater Rights in Reporting Area 13, Basin 63
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 63 (the drainage area of the Boise River). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 63 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Boise, Caldwell, Payette, Emmett, Idaho City, Fairfield, or Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period next year. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

AJ5855NP
526

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: October 30, 1998
PAGE: 1

RIGHT NUMBER: 63-15371

NAME AND ADDRESS: BOISE RIDGE MINING AND MILLING CORP
105 WEST 41st
BOISE ID 83714

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 1 HOME	01-01 12-31	0.04 CFS

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

OTHER MATTERS 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

DATE: 04/22/98
PAGE: 1

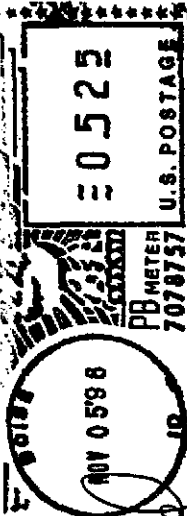
PAGE: 1

Audit: 04/22/98 CWALKER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES ADDRESS SERVICE
REQUESTED
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

POSTAGE WILL BE PAID BY ADDRESSEE

PRESORTED
FIRST CLASS



RECEIVED
NOV 09 1998

State of Water Resources

IMPORTANT WATER RIGHT INFORMATION

Richard L. Ladd, Director, Idaho Department of Water Resources

83720-0098

WATER RIGHT NUMBER - A63-15371

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - - - - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***

BOISE RIDGE MINING AND MILLING CORP.

1 - 105 WEST 41ST

2 -

3 -

CITY- BOISE

PHONE - 208-345-2655

STATE- ID ZIP- 83714

+ - - PRIORITY DATE - - +

05/01/1850

+ - - REGION - - - +

ERROR IN REGION

+ - - STAGE - - - +

J - BENEFICIAL USE

+ - - - - - +

TRIBUTARY - - - - - +

ROBIE CREEK, SOUTH FORK

+ - - - - - +

POINT OF DIVERSION - - - - - +

STREAM INDEX (BLANK IF NO INDEX CODE)

TWN

RNG

SEC

TRACT

LOT

RFLG

COUNTY

04N

03E

36

NW SE NE

(15) BOISE

+ - - - - - +

DESCRIPTION

PERIOD FROM

PERIOD TO

WATER USE

DIVERSION RATE

DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

+ - - TOTAL DIV. RATE - +

0.040

+ - - TOTAL DIV. VOLUME - +

+ - - 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

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 GIBSON

WATER RIGHT NUMBER - A63-15371

PREFIX TRANSLATION: ADJUDICATION CLAIM

ND COMMENTS FOUND

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 05/17/1989
PROOF DUE DATE - 00/00/0000
LICENSED DATE - 00/00/0000
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
PROOF MADE DATE - 00/00/0000
RECEIPT NUMBER - W002820
PUU OWNERSHIP FLAG - Y
NAME CONNECTOR -

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

RP 64V03E361250

CERTIFIED
JUL 13 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

DATA ENTRY
ENTERED
CHECKED

