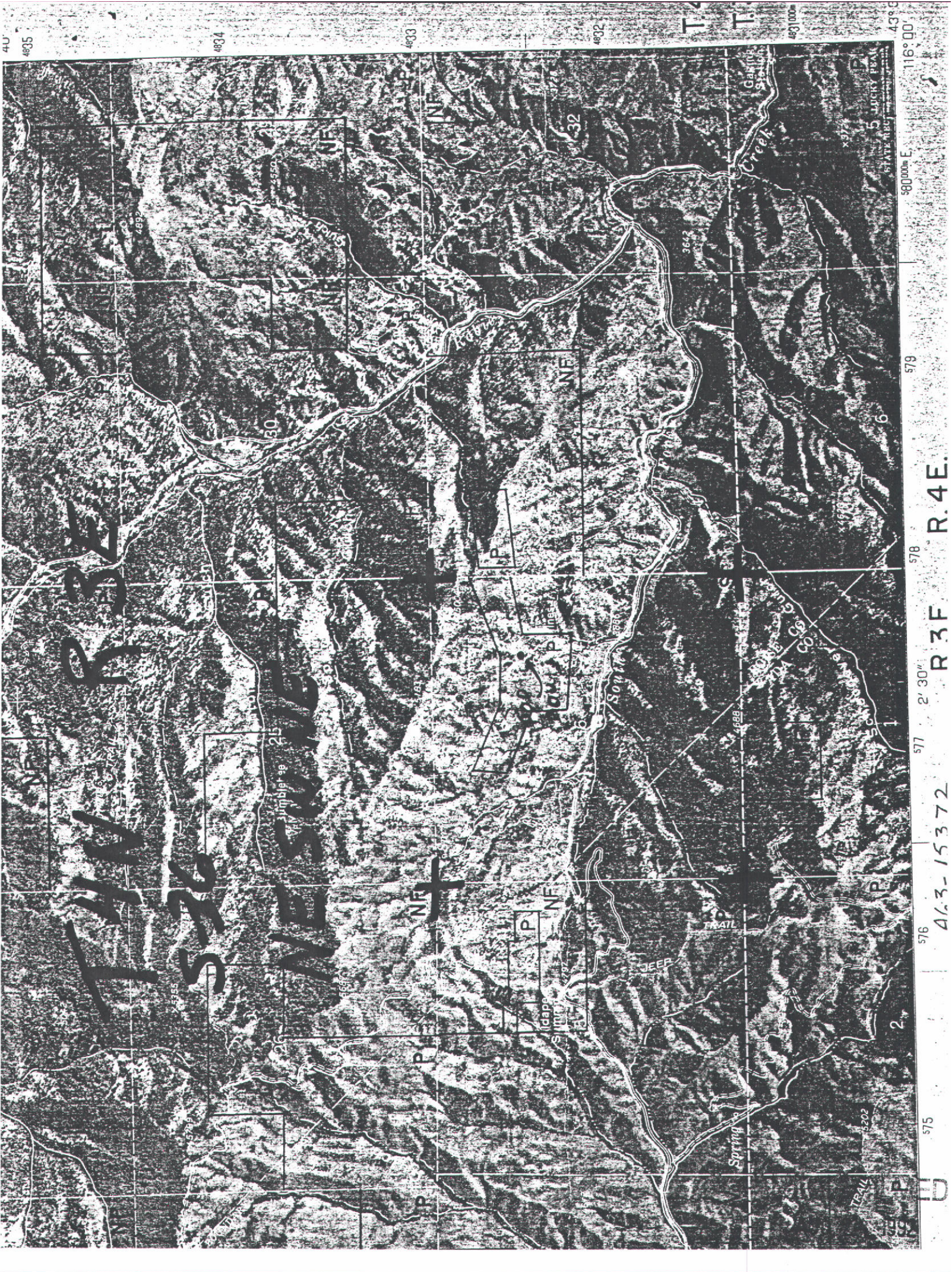




T4W R3E  
S36

NE 30 31 32

438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500

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: A63-15372  
Date Received: 5/17/1989  
Receipt No: 0002820  
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      | NE     | SW     | 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      | SW     | 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 Cluiforne  
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 17<sup>th</sup> 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

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

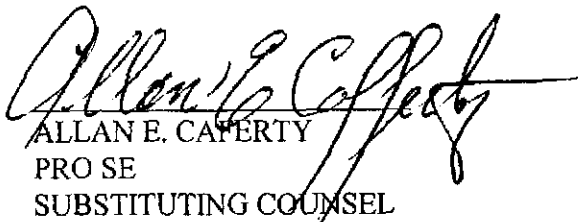
|                |   |                                |
|----------------|---|--------------------------------|
| In Re SRBA     | ) | Subcase(s): 63-15370, 63-15371 |
|                | ) | and 63-15372                   |
|                | ) |                                |
| Case No. 39576 | ) | 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

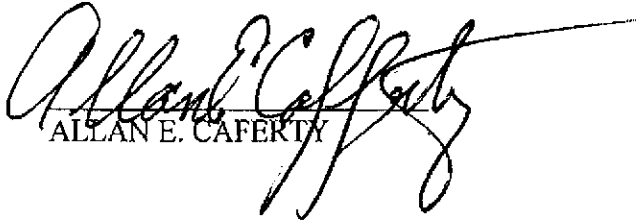
  
JOHN A. CAFFERTY  
ATTORNEY AT LAW  
WITHDRAWING COUNSEL

**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 63-15372  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

**B** NAME AND ADDRESS OF PERSON OBJECTING

Name: Allan E. Cafferty  
Address: 2121 S. Eagleson  
Boise, ID 83705  
Daytime Phone: 375-7924

Name & Address of Attorney, if any:

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

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

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

NOTE: NOTICE TO DISMISS PARTIAL DECREE DENIED BY SRBA COURT

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

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



**VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Ada )

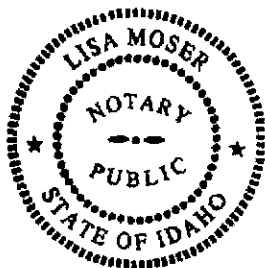
Allan E Catterty, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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 Catterty  
(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.

6.

## CERTIFICATE OF MAILING

I certify that on January 27, ~~199~~<sup>2003</sup>, 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:

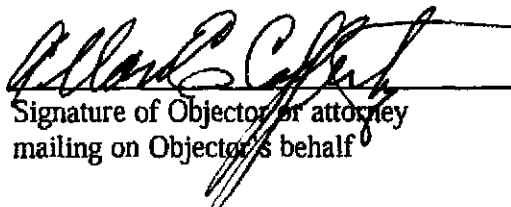
Name: Bare Backers Inc  
Address: PO Box 5781  
Boise, ID 83705

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 63-15372

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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.

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|                                                                                                                                                                                                                                                                                                 |                                                                          |                              |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------|---------------------|
| 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                                                            | NESWNE                       | 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                                                            | SWNE                         |                     |
| 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). |                                                                          |                              |                     |

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[Return to SRBA Home Page](#)

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## 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

63-15372  
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

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: 63-15372

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 NESWNE 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 SWNE

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





WATER RIGHT NUMBER - A63-15372 PREFIX TRANSLATION: ADJUDICATION CLAIM OLD (CD) 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 - - - - + + - - - - REGION - - - - + + - - - - STAGE - - - - + + - - - - STATUS - - - - +  
05/01/1850 J - BENEFICIAL USE

+ - - - - SOURCE - - - - - - - - - - + + - - - - TRIBUTARY - - - - - - - - - - +  
SPRING ROBBIE CREEK, SOUTH FORK

+ - - - - POINT OF DIVERSION - - - - - - - - - - + + - - - - STREAM INDEX (BLANK IF NO INDEX CODE)  
TWN RNG SEC TRACT LJT RFLG COUNTY

04N 03E 36 NE SW NE (15) BOISE

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

43 - DOMESTIC 01/01 12/31 0.040

+ - - - - TOTAL DIV. RATE - - - - + + - - - - TOTAL DIV. CAPACITY - - - - + + - - - - TOTAL CONSUMPTIVE USE - - - - + + - - - - KW USAGE - - - - +  
0.040

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

04N 03E 36 SW 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 - A63-15372 PREFIX TRANSLATION: ADJUDICATION CLAIM

NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA

|                       |              |                       |              |                         |         |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING   | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER       | - 39576 |
| OBJECTION FILED DATE  | - 00/00/0000 | FIELD INSPECTION FLAG | -            | OLD CASE NUMBER         | -       |
| RESPONSE FILED DATE   | - 00/00/0000 | VERIFIED DATE         | - 00/00/0000 | OLD JUDICIAL DISTRICT   | -       |
| CLAIM RECEIVED DATE   | - 03/17/1989 | LAST AMENDED DATE     | - 00/00/0000 | TEMPORARY RIGHT         | - P     |
| PROOF DUE DATE        | - 00/00/0000 | PROOF MADE DATE       | - 00/00/0000 | WATER DISTRICT          | -       |
| LICENSED DATE         | - 00/00/0000 | RECEIPT NUMBER        | - 4002820    | FEDERAL/STATE INDICATOR | - S     |
| CLAIMS TAPE ERROR FLG | -            | POU OWNERSHIP FLAG    | - Y          | PRESUMPTION FLAG        | -       |
| FEE EXEMPT FLAG       | -            | NAME CONNECTOR        | -            |                         |         |

RD 04N03E 361250

CERTIFIED  
JUL 11 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

