

Claim No(s): 63-5101,

63-15395

T05N, R04E, S24

Prepared by: Maria Minicucci

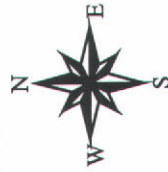
Date: 9/28/2001

 Place of Use

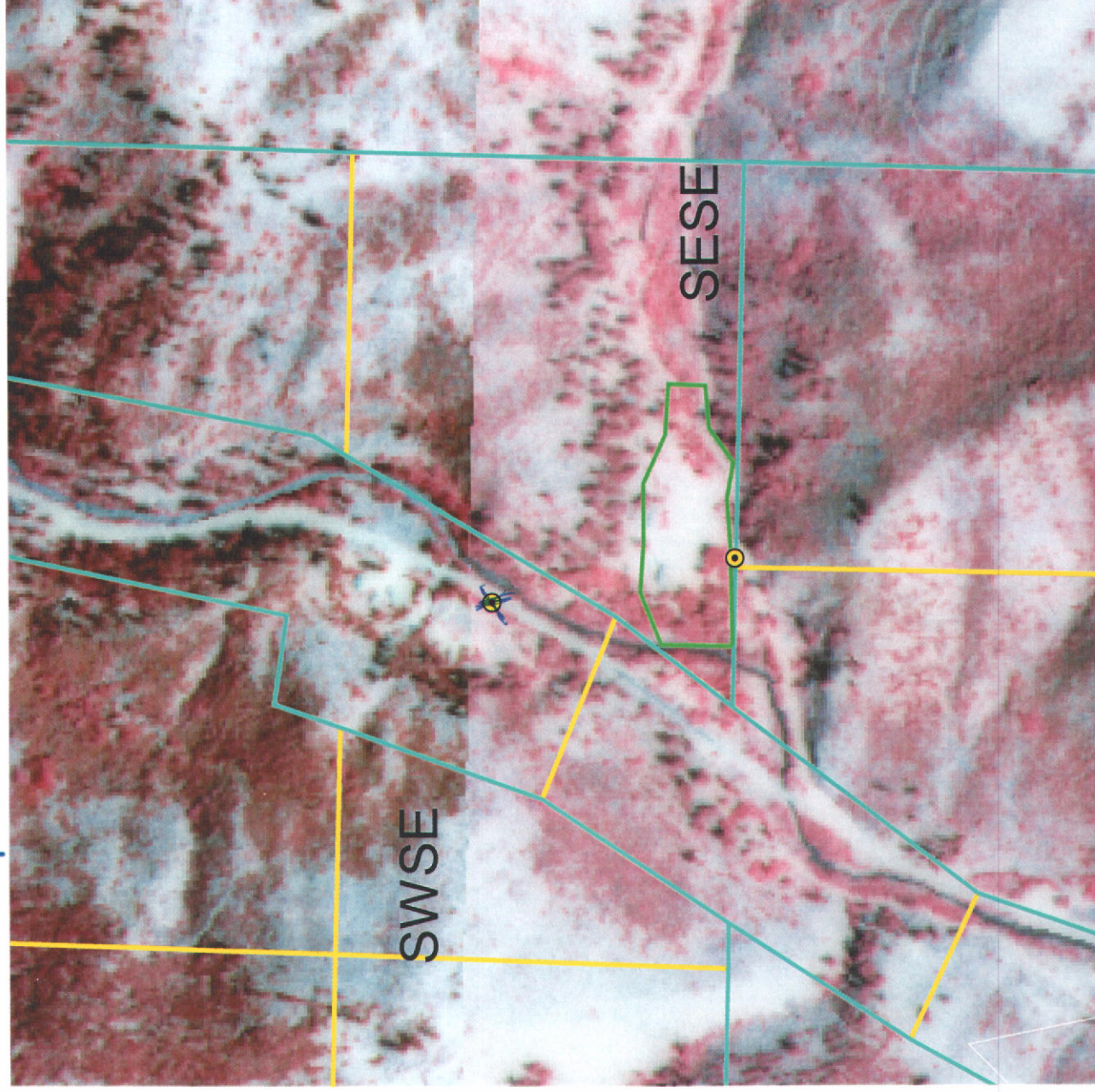
 Point of Diversion

 Section lines

 1/4 1/4 lines



600 0 600 1200 Feet



24

Ab3-
15395

lot 5

SRBA Claim Number A63-15395

Date of Photos 09/25/2001

Photographer P. Pinicucci

Legal Description T5N24E S24 SESE

① Point of Diversion

pumped to buried
irrigation system
(sprinklers).

Claimant's dog



② Place of Use

Photo taken
from south part
of property, near
Thorpe Creek, looking
north and east.



SRBA Claim Number A63-5101

Date of Photos 09/25/2001

Photographer PPindicucci

Legal Description 75NR4E 524 565B

③ Place of use
Photo taken from
diversion area,
looking north
and west. Piles
of sand are a result
of flooding from
Thorn Creek.



④ Place of use
"Wedding Tree"
on right,
Southwest corner
of property.



Claim No(s): 63-5101,
63-15395

T05N, R04E, S24

Prepared by: Maria Minicucci

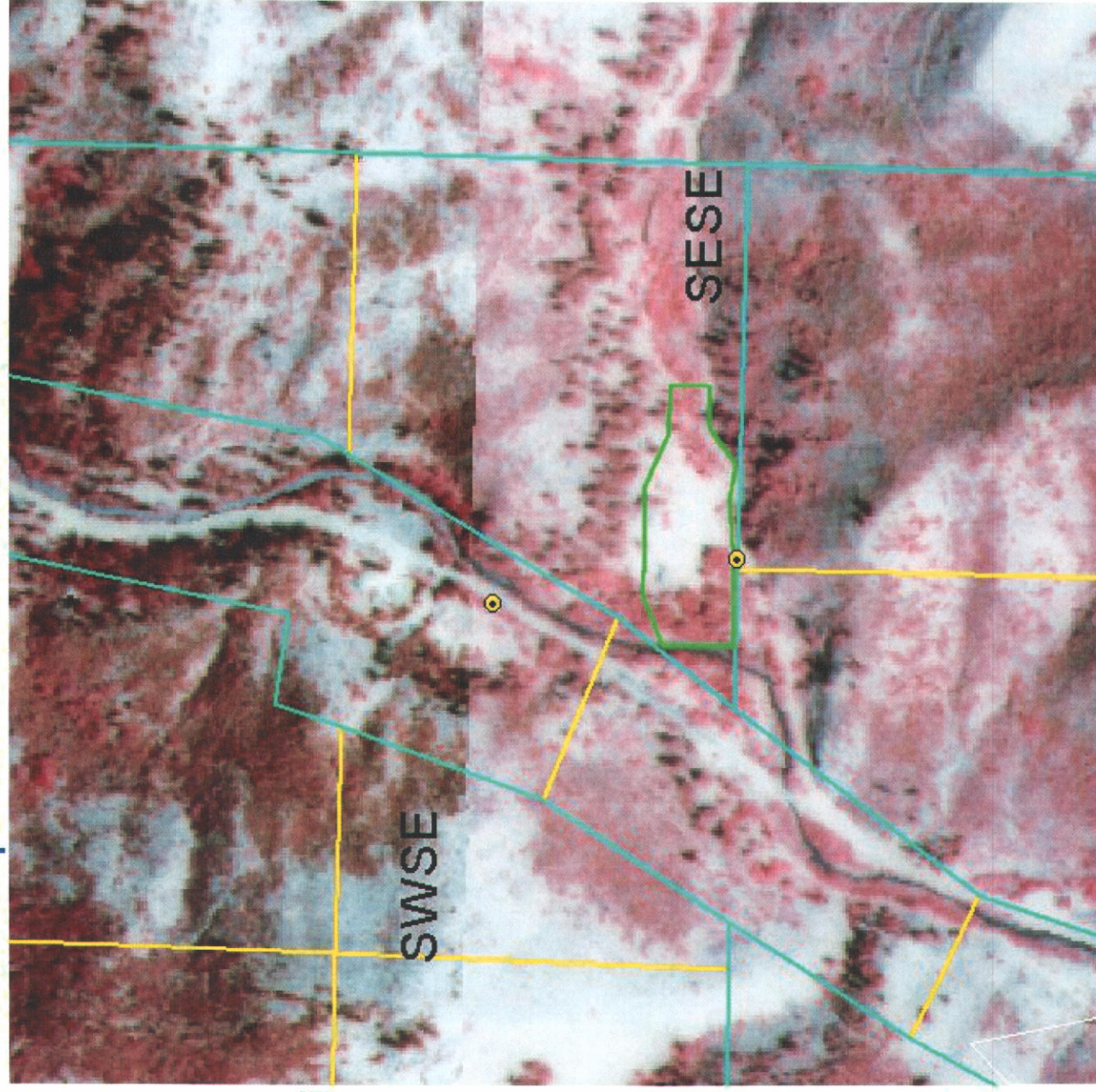
Date: 9/28/2001

 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



600 0 600 1200 Feet



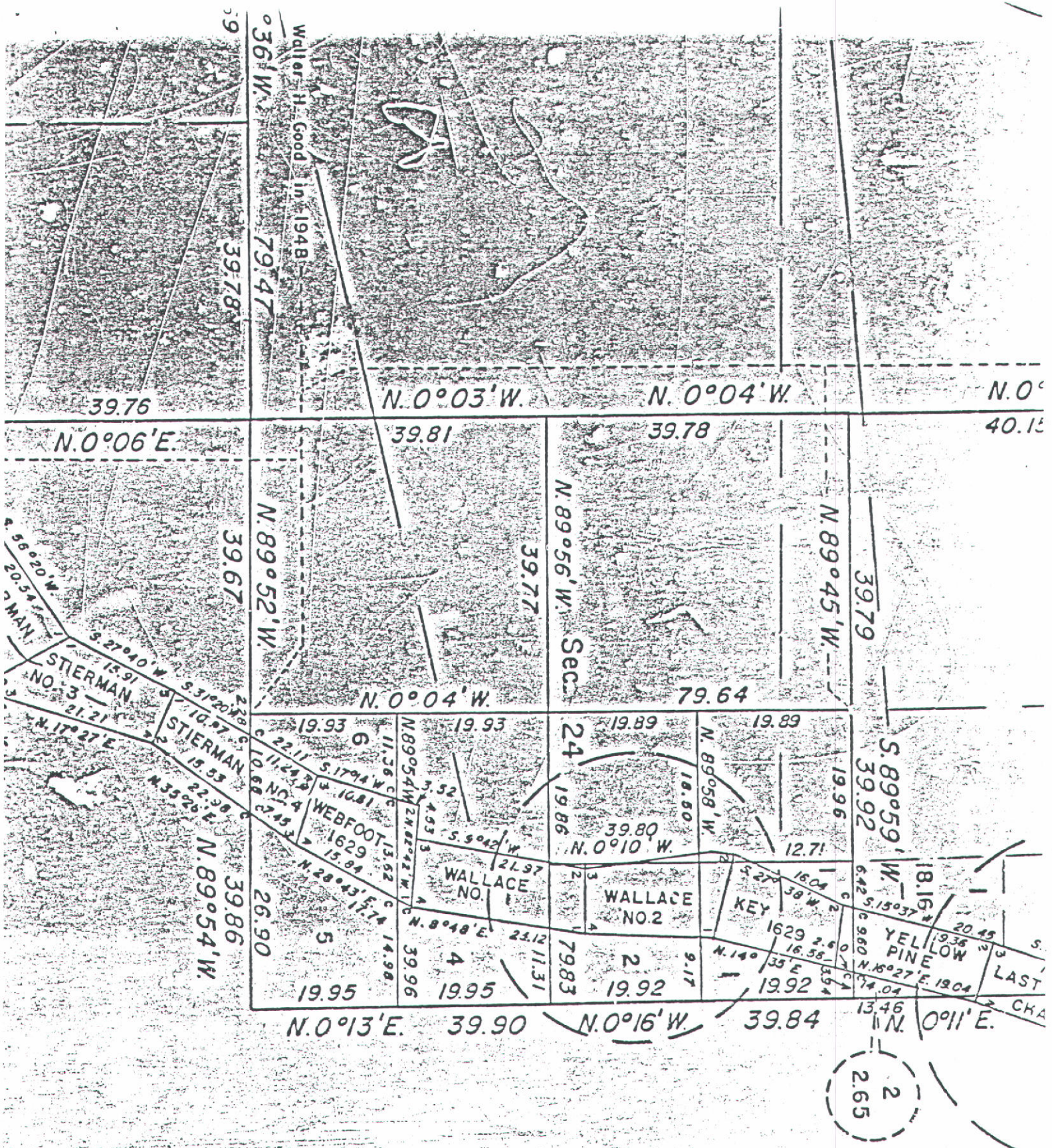
55

R5E

7.5-MIN

1460 000 FEET 589





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: A63-15395
Date Received: 5/18/1989
Receipt No: W002844
Received By: ETB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAY R. PRIEST 208-392-4517
Address: P.O. BOX 122
IDAHO CITY, ID 83631

AND/OR

Name: MARILYN PRIEST 208-392-4517
Address: P.O. BOX 122
IDAHO CITY, ID 83631

2. Date of Priority: APR 26, 1889

3. Source: THORN CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	04E	24		5	BOISE

5. Description of diverting works:
PUMPS, PIPELINE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 9 HEAD MIXED STOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	04E	24		5	IRR	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM BASED ON SUPREME COURT DECREE-CASE # 10720 DATED
BOISE TERM, MARCH 1972. WATER RIGHT WAS NOT ISSUED BY DEPARTMENT.
REFER TO PAGE 9 OF CASE. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): *Marilyn Priest* Date: *5-18-89*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *18* day

of *May* 19 _____

Eldon L. Roush
Notary Public

Seal

Residing at _____

My Commission Expires _____

Eldon L. Roush
Residing at Boise, Idaho
My Commission Expires September 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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-15206

2004 AUG 25 PM 4:49

SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: VAL DEAN SCHROEDER
13 BLACKSMITH RD
BOISE, ID 83716

SOURCE: UNNAMED STREAMS TRIBUTARY: MORES CREEK

QUANTITY: 0.12 CFS

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

PRIORITY DATE: 03/15/1896

POINT OF DIVERSION: T04N R04E S28 SENESW Within Boise County
SENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.10 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

DIVERSION FOR IRRIGATION UNDER THIS WATER RIGHT PRIOR TO APRIL 1
AND AFTER OCTOBER 31 SHALL OCCUR ONLY AS AUTHORIZED BY THE WATER
DISTRICT 63 WATERMASTER AND ONLY WHEN WATER IS BEING RELEASED
FOR FLOOD CONTROL BY THE UNITED STATES FROM THE LUCKY PEAK DAM
OUTLET UNDER PROCEDURES AND REQUIREMENTS FOR THE MEMORANDUM OF
AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE ARMY AND THE U.S.
DEPARTMENT OF THE INTERIOR FOR FLOOD CONTROL OPERATIONS OF THE
BOISE RIVER RESERVOIRS, DATED NOVEMBER 20, 1953, THE WATER
CONTROL MANUAL FOR BOISE RIVER RESERVOIR DATED APRIL 1985 AND
ANY FUTURE AMENDMENTS OR REVISIONS MADE THERETO PURSUANT TO
STATE OR FEDERAL PROCEDURES OR LAW; PROVIDED THAT ANY SUCH USE
OF THIS WATER RIGHT PRIOR TO APRIL 1 AND AFTER OCTOBER 31 SHALL
BE SUBORDINATED TO WATER RIGHTS FOR STORAGE IN LUCKY PEAK
RESERVOIR AND/OR LAKE LOWELL AS DECREED IN SRBA CASE NO. 39576.

PLACE OF USE:	Irrigation		Within Boise County
	T04N R04E S28	NESW 1.0	SESW 1.0
		NWSE 1.5	SWSE 1.5
	5.0 Acres Total		
	Stockwater		Within Boise County
	T04N R04E S28	NESW	SESW
		NWSE	SWSE

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

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

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

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.

Recommended

8/24/04

John M. Melanson

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

08/12/2003

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

RIGHT NUMBER: 63-15395

NAME AND ADDRESS: MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631

JAY R PRIEST
PO BOX 122
IDAHO CITY ID 83631

SOURCE: THORN CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-5101 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .10 CFS.

PRIORITY DATE: 04/26/1889

POINT OF
DIVERSION: T05N R04E S24 SESE Lot 5 Within, BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County
T05N R04E S24 Lot 5 SESE 5.0

5 ACRES TOTAL

Dr
DL
Seher
GPB

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-15395
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

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

Name: Marilyn Priest Jay R Priest

Address: PO Box 122
Idaho City, ID 83631

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions to storage reservoirs and the New York Canal, and (c) diminution of contract water reliability.

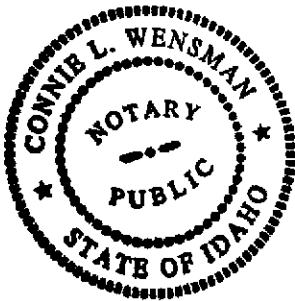
State of Idaho)
) ss.
County of Ada)

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

January 29, 2003




 Connie L. Wensman
 Notary Public for: Idaho
 Residing at: Meridian
 My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Marilyn Priest Jay R Priest

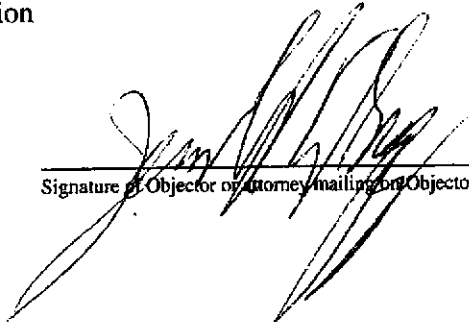
Address: PO Box 122
Idaho City, ID 83631

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

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

In Re SRBA)

Case No. 39576)

A. Subcase Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: See Attachment B
Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

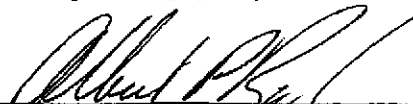
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

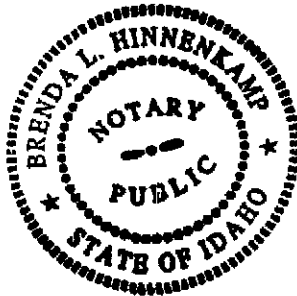
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

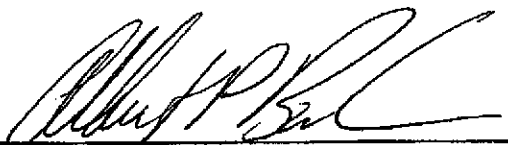
Name: See Attachment B
Address:

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724


Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT D

63-3540
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624
Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B
South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026
James E Bryant
1915 N 11th
Boise ID 83712

63-5102
Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C
Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810
Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289
Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A
Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279
Cumer L Green
PO Box 2597
Boise ID 83701

63-7119
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037
Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207
Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192
David Steadman
Lynae Steadman
8873 Ottowa Ct
Boise ID 83709

63-4629A
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328
Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B
Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335
Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

63-31077
State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A
Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797
Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074
Barry Marcus
737 N 7th St
Boise ID 83702

63-19A
Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

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

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

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

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

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

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

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

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-5161B
Dwayne Wright
Elizabeth Wright
4 Larkspur Lane
Boise, ID 83716

63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

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: 63-15395

MARILYN PRIEST

PO BOX 122

IDAHO CITY ID 83631

Telephone Number: (208)392-4517

JAY R PRIEST

PO BOX 122

IDAHO CITY ID 83631

Telephone Number: (208)392-4517

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: 3-13-02 SIGNATURE: Marilyn Mooney-Priest
Please print your name: MARILYN MOONEY-PRIEST

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

02/26/2002

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

RIGHT NUMBER: 63-15395

NAME AND ADDRESS: MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631

JAY R PRIEST
PO BOX 122
IDAHO CITY ID 83631

SOURCE: THORN CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.10 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-5101 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .10 CFS.

PRIORITY DATE: 04/26/1889

POINT OF DIVERSION:

T05N R04E S24 SESE Lot 5 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S24 Lot 5 SESE 5.0

USE OF THIS RIGHT WITH RIGHT NO. 63-5101 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 5 ACRES IN A SINGLE IRRIGATION SEASON.

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: Decreed

02/24/2002

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

RIGHT NUMBER: 63-15395

NAME AND ADDRESS: MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631

JAY R PRIEST
PO BOX 122
IDAHO CITY ID 83631

SOURCE: THORN CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.100 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-5101 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF .10 CFS.

PRIORITY DATE: 04/26/1889

POINT OF DIVERSION:

T05N R04E S24 SESE Lot 5 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S24 Lot 5 SESE 5.0

5 ACRES TOTAL

*Same
5 acres per*

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 - Decreed

*Add POU Divg E11 - Use of this
right w/right # 63-5101 is limited
to the irrig of a com total of 6 acres etc.*

IDAHO DEPARTMENT OF WATER RESOURCES 10/02/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631

JAY R PRIEST
PO BOX 122
IDAHO CITY ID 83631

SOURCE: THORN CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.10 CFS

PRIORITY DATE: 04/26/1889

POINT OF DIVERSION:

T05N R04E S24 SESE Lot 5 Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	0.100 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S24 Lot 5 SESE 5.0

5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

*See file 63-5101 for further notes
when combined w/ 63-5101, cannot
exceed .10 CFS (if-5101 is
recommended -
waiting for
evidence of
priority)
for 5101*

Claim No(s): 63-5101,

63-15395

T05N, R04E, S24

Prepared by: Maria Minicucci

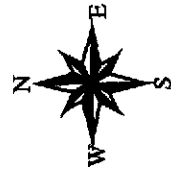
Date: 9/28/2001

☐ Place of Use

☒ Point of Diversion

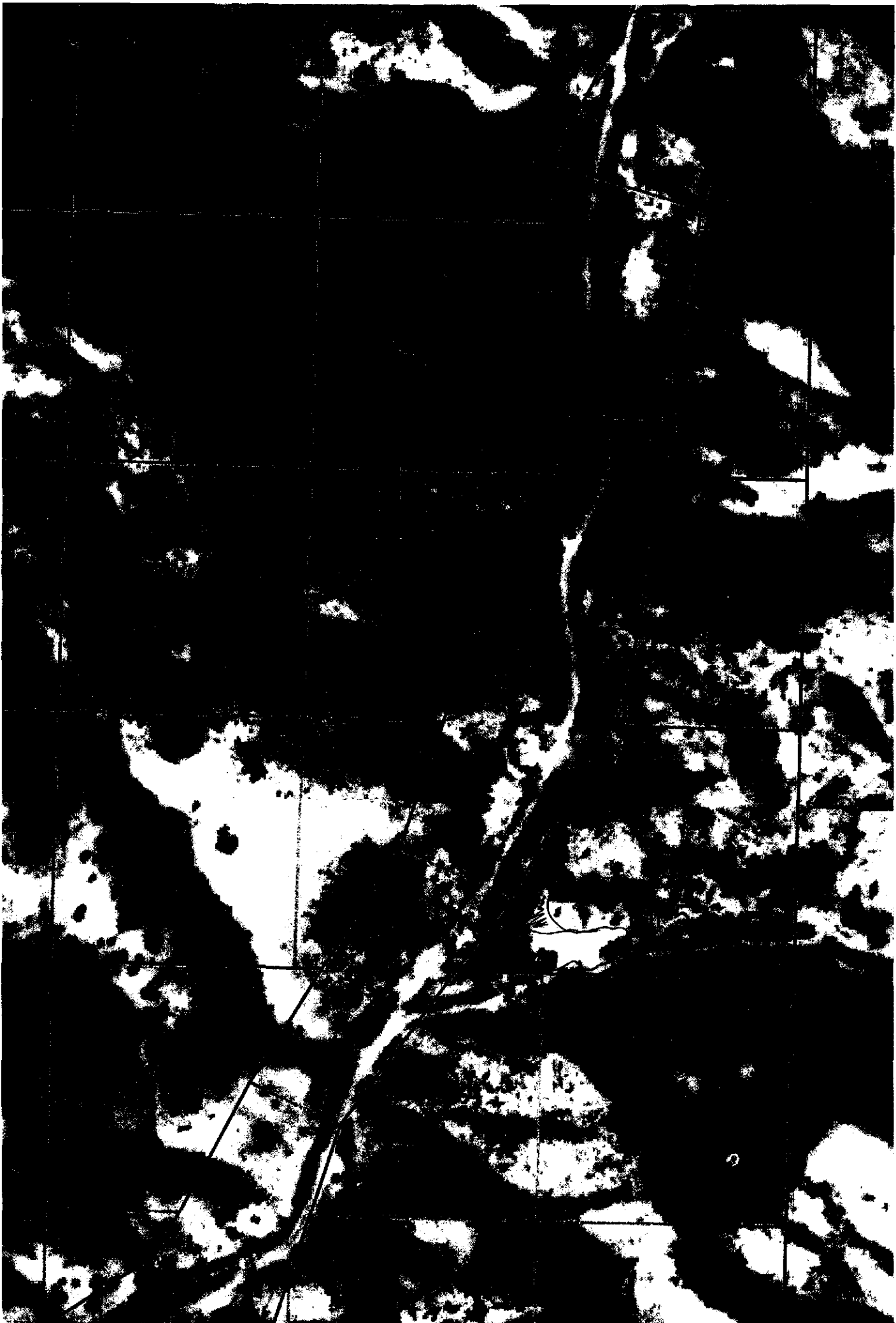
☐ Section lines

☐ 1/4 1/4 lines



600 0 600 1200 Feet





Ab3-
15395

ADJ5809NP
No. A63-15395

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 102

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE DIVERSION RATE DIVERSION VOLUME

C JAY R PRIEST
C MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631
(208) 392-4517

04/26/1889

IRRIGATION

04-01 11-01 0.100 CFS

TOTAL DIVERSION: 0.100 CFS

Water Sources: THORN CREEK

Tributary to: MORES CREEK

Stage: DECREASED

Point(s) of Diversion:

T05N R04E S24 Lot05()

BOISE County

Lots Without 1/4 1/4 Description: IRRIGATION

05N 04E 24 05-05

POU County: BOISE

Non-Irrigation Uses: S/ 9 HEAD MIXED STOCK

Other Rights: NONE

Remarks: GEN THIS CLAIM BASED ON SUPREME COURT DECREE-CASE # 10720 DATED
BOISE TERM, MARCH 1972. WATER RIGHT WAS NOT ISSUED BY DEPARTMENT.
REFER TO PAGE 9 OF CASE. ELR

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

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

BLU - Posted notice

5.0

Also copy for
dec. 12/12/2001

FF
C/10
3426

SRBA Claim Number A63-15395

Date of Photos 09/25/2001

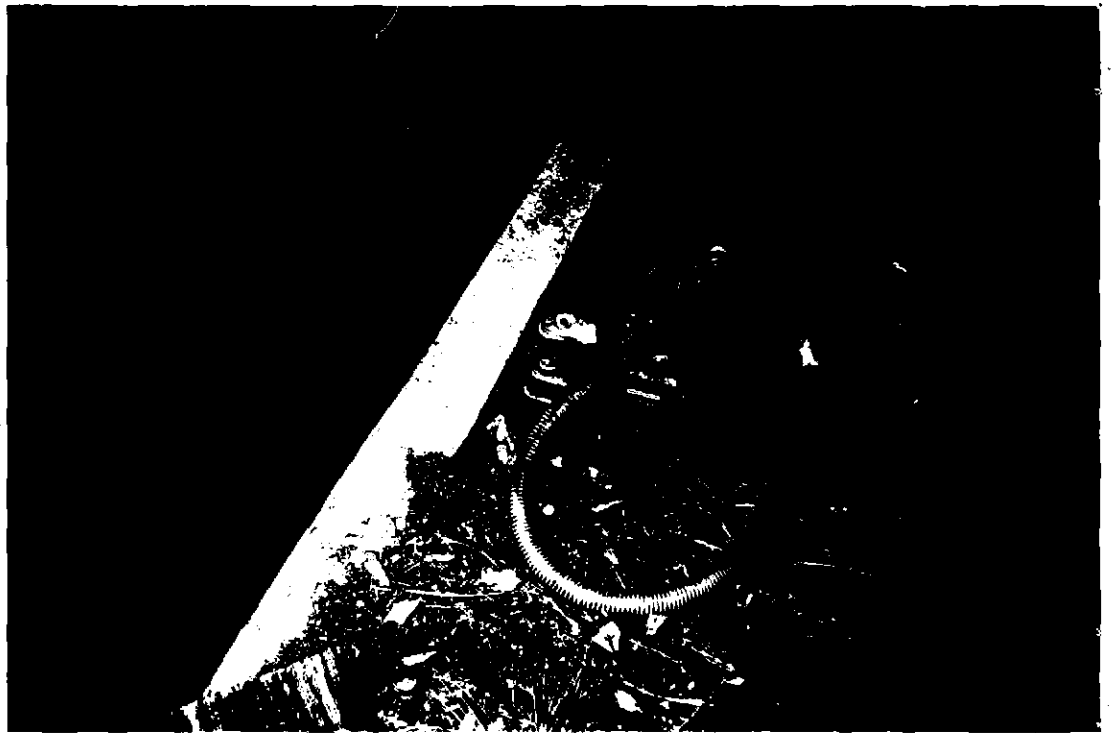
Photographer M. Minicucci

Legal Description T5N24E S24 SESE

① Point of Diversion

pumped to buried
irrigation system
(sprinklers).

Claimant's dog



② Place of Use

Photo taken
from south part
of property, near
Thorpe Creek, looking
north and east.



SRBA Claim Number A63-5101

Date of Photos 09/25/2001

Photographer P. P. Nicucci

Legal Description 75NR4E 524 5E5E

③ Place of use
Photo taken from
diversion area,
looking north
and west. Piles
of sand are a result
of flooding from
Thorn Creek.



④ Place of use
"Wedding Tree"
on right,
Southwest corner
of property.



A63-15795 Priest

Thorn Cr

9/25/2001

Decreased right

1) ~~Div. from Mores Creek?~~

GPS POD, locate ditches on map. LOCATE POD ON MAP

Thorn Creek Briggs + Stratton 3 HP Gasoline

Waypoint 2 0345465 0295842 (100 ft)

Underground pipe to sprinklers

Waypoint 3 0345495 0295849 Same place (bridge)

Waypoint 4 Mores Creek diversion

A63-05101 Approximate beg. of ditch

A63-05101

"Briggs Ditch" off Thorn Cr

1) ~~When was Mores Cr diversion added?~~

2) Are diversions different from above claim?

3) Are these claims on the same water right? YES ~~NO~~
Taylor

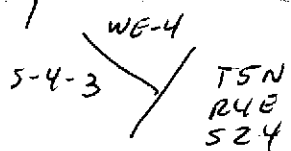
Mores Creek to pond. Pump @ ~~for~~ headgates to pond. Pond water ditched (along) parallel to Mores Creek + back to Mores Creek. Same locate at west side of property (small log building)

Vernon C. DeRousse - prev. owner. Carner prev. to that

Mrs. Priest: One water right: One diversion from Thorn Cr + one from Mores Creek. Same 5 acres, Horses (prev. owner)

PHOTO LOG

- 8 Thorn Cr Diversion Priest
- 9 POV @ Wedding Tree (apple) Pasture BY Floods
- 10 Mones Cr pond over. Location of pump breaker
(Stock water from pond)
Ditch left pond, sharp turn along toe of pond,
then back along wedge of prop to Mones Cr
near congl w/ Thorn Creek.
- 11 Pond
BLM Cadastre Survey 1982 MS 1629


- 12 Mones Creek Pond? GPS location
Creek has moved toward Road by at least 25'
- 13 POV from Thorn Creek (Sons House)
- 14 POV from Thorn Cr (looking toward Apple Tree Wedding Area)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 12, 2001

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

MARILYN PRIEST
PO BOX 122
IDAHO CITY ID 83631

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right No. **A63-05101 & A63-15395**

Dear Mrs. Priest,

This office is reviewing the above-referenced claim for recommendation to the court for decree. A field exam was conducted on September 25, 2001; during the exam we discussed the requirement for evidence supporting the priority date. Your son brought out some documents that indicated Mores Creek had been diverted for use on your property.

In order to complete our review, we must have documentation of the claimed priority date, as per our letter of August 15, 2001. Please submit the required evidence by **January 18, 2002**. If no evidence of priority is submitted by the January 18, 2002, the water right may not be recommended to the court for decree. This could jeopardize your water use under this right.

In addition, I have enclosed a copy of the Supreme Court decision regarding the water right from Thorn Creek of C.V. DeRousse (SRBA claim number A63-15395.) This ruling appears to address the extent of the jurisdiction of the water master, rather than describing the water right of C.V. DeRousse. The ruling does support that in 1968 DeRousse had a water right for 5 inches of water from Thorne Creek.

As evidence of the claimed priority date of water right claim A63-15395, you have submitted a posted notice filed by William Casner in 1899. However, since the posted notice does not describe where the water was used, information that connects Mr. Casner to your property would be useful in support of the priority date. If I remember correctly, the documents that your son brought out to my vehicle also contained information that connected Mr. Casner with your property. Copies of these documents, or other information that shows that Mr. Casner owned your property, would be useful in helping to support the 1899 priority date.

Please do not hesitate to contact this office if you have any questions or concerns about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Minicucci', with a stylized, cursive script.

Maria Minicucci

Enc.

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-05101, A63-15395

Contact Person Marilyn Priest 392 4517

Date/Time of Exam Sept 25, 2001 9:00 am.

IDWR Employee/Agent T Minicucci

Directions to Property Thorne Creek

Info to determine measurement method

Miscellaneous 9/21/2001: Floods of 1996 wiped out diversions
& ditches

FOR MRS. J. R. (MARLYN) PRIEST

LINE 0. 1

SE and (V)

aho, to-e

NOTICE OF WATER RIGHT

NOTICE is hereby given that I the undersigned claim fifty (50) inches of water out of Thorn Creek for this ditch known as the Briggs ditch, said water being claimed for irrigating purposes. This ditch is two feet wide and one foot deep and takes the water from said creek at a point about 100 yards below the old Thorn Creek House.

Signed this 26th day of April, 1889.

Wm. H. Casner

Recorded at the request of Wm. Casner April 29, 1889 at 10 o'clock A. M.

Wm. Warner
Recorder

CERTIFICATE

STATE OF IDAHO, } S.S.
COUNTY OF BOISE, }

I, Katherine M. Brogan, Auditor and Recorder in and for said County, do hereby certify the foregoing to be a full, true and correct copy of the Notice of Water Right

as the same appears of record in my office in Book 2 of Water Rights

Page 129, and of the whole thereof.

WITNESS My hand and seal of office at Idaho City, Idaho, this 4th
December 8
day of August, A.D., 1908.

State of Idaho } SS.
County of Boise }

I hereby certify that the foregoing instrument is a full true and correct copy of the original on file in this office.

Dated June 17-1908
EILENE C. KOLAR, Clerk

By Ann Morgan
Deputy

Katherine M. Brogan
Auditor & Recorder

By William Warner
Deputy.

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Idaho Dept of Water Resources

Claim No(s): 63-5101,
63-15395

T05N, R04E, S24

Prepared by: Maria Minicucci

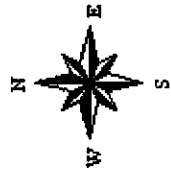
Date: 9/28/2001

☐ Place of Use

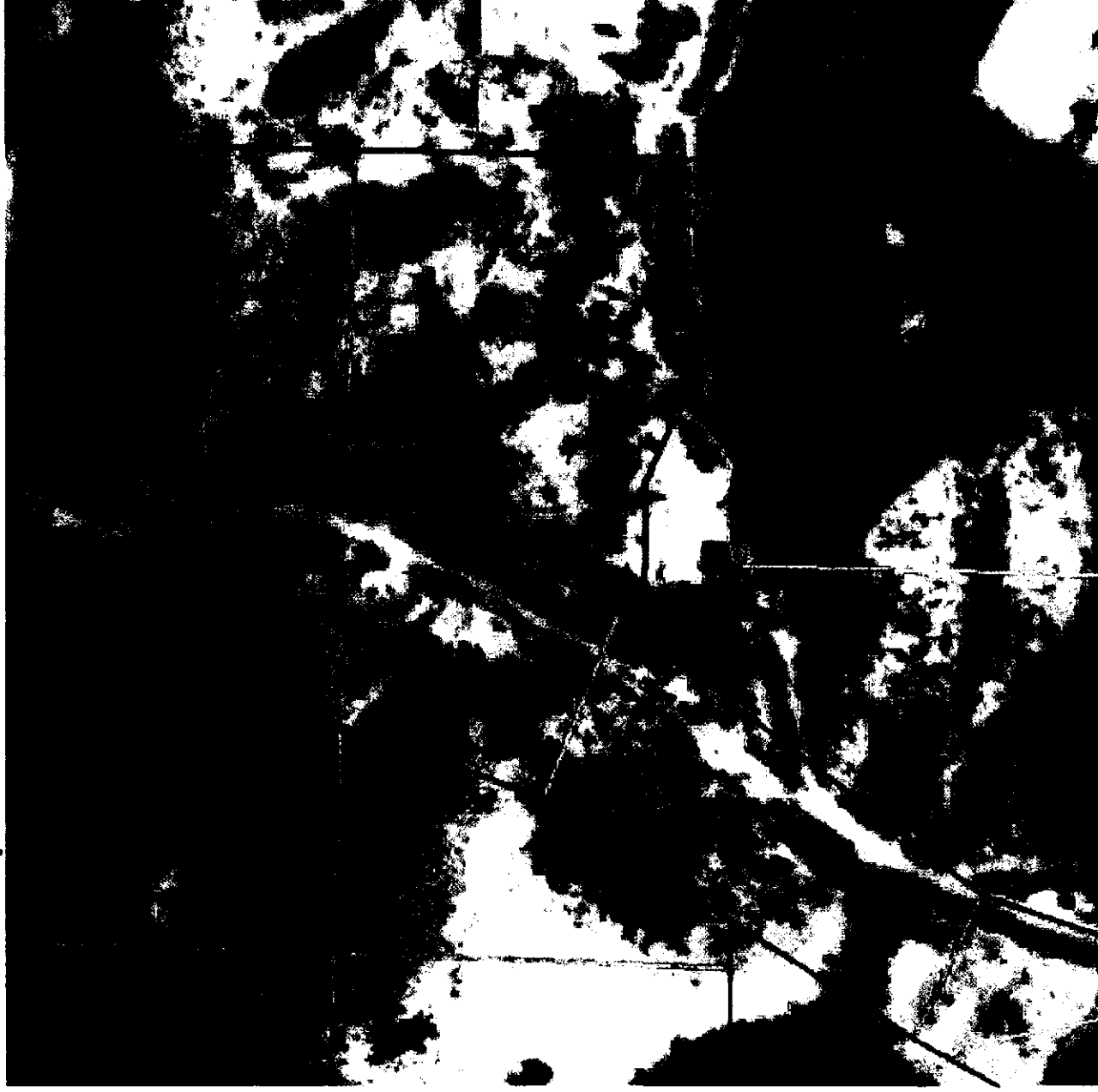
☒ Point of Diversion

☐ Section lines

☐ 1/4 1/4 lines



600 0 600 1200 Feet



1987 NAPP Photo

55

DUNIT

7.5-MIN

505

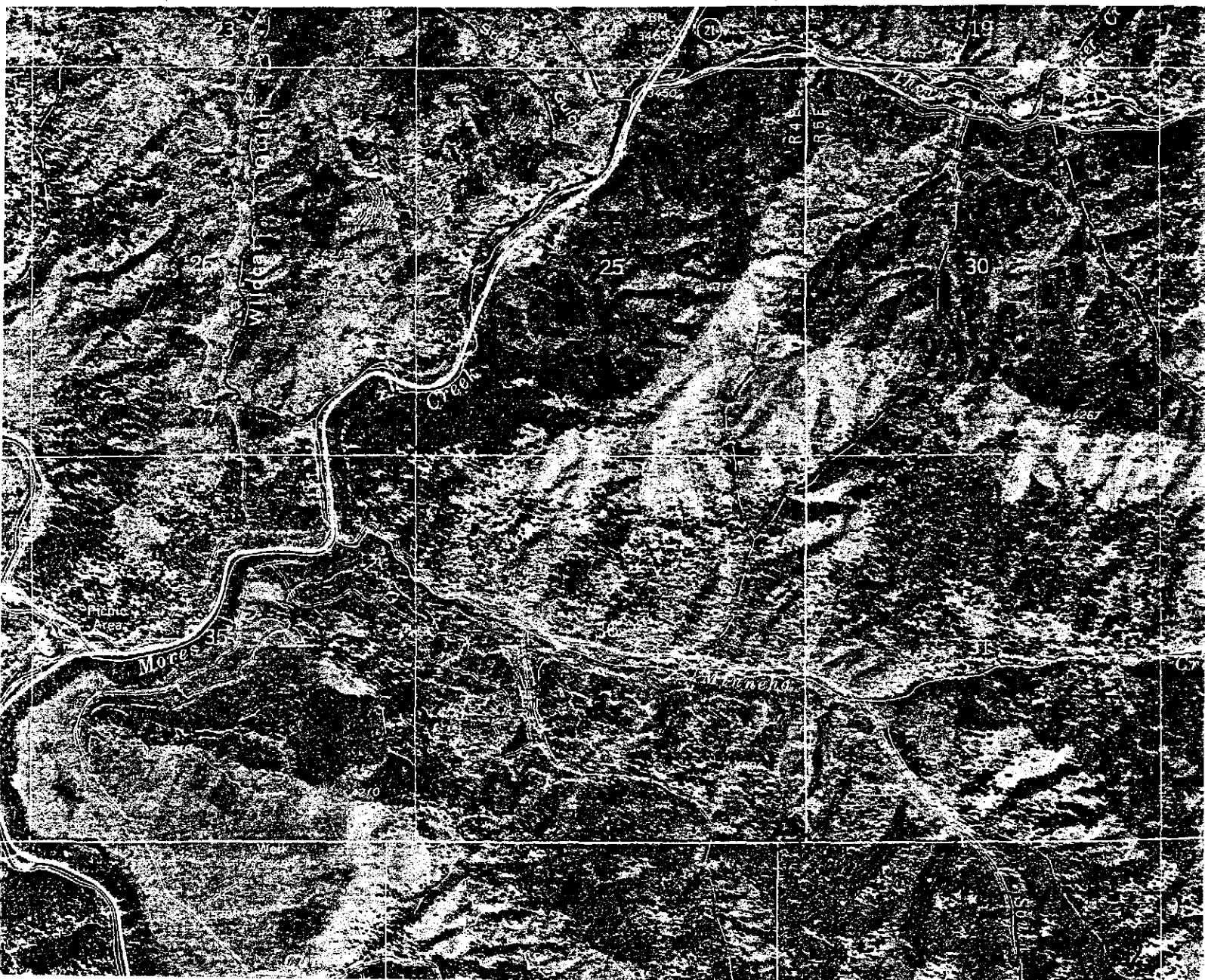
586

587

55

588

1460 000 FEET 589



we have misinterpreted the legislative policy, there will be ample opportunity for the next session of the legislature to make any necessary changes. In the meantime, since there is nothing to indicate there are other users on Thorne Creek who would be adversely affected by the diminished water supply as a result of plaintiff's appropriation, there is much less injury to the Boise River water system as a whole as a result of allowing plaintiff to continue to divert his five inches of water than would be to plaintiff if he were totally prevented from using any water from Thorne Creek.

The trial court correctly held that §§42-605 and 42-607, Idaho Code, as presently constituted, do not give the defendants any legal authority over water rights not represented by a court decree or by a permit or license issued by the Idaho Department of Reclamation and that the defendant be permanently enjoined from shutting off plaintiff's diversion of water from Thorne Creek pursuant to §§42-605 and 42-607, Idaho Code. Because of this disposition it is not necessary to discuss the constitutional and other contentions of the parties.

Accordingly, we affirm, with costs to respondent.

McQUADE, CJ, DONALDSON, J, and WARD, DJ, concur.

63-w

page 9 Decree I

MICROFILMED

AUG 24 1992