

A63-15427

PHOTOS TAKEN 7/10/2001



PHOTO #1
UPPER POD SITE
LOOKING NE FROM
ROAD



PHOTO #2
SITE OF LOWER POD

A63-15427

PHOTOS TAKEN 7/10/2001



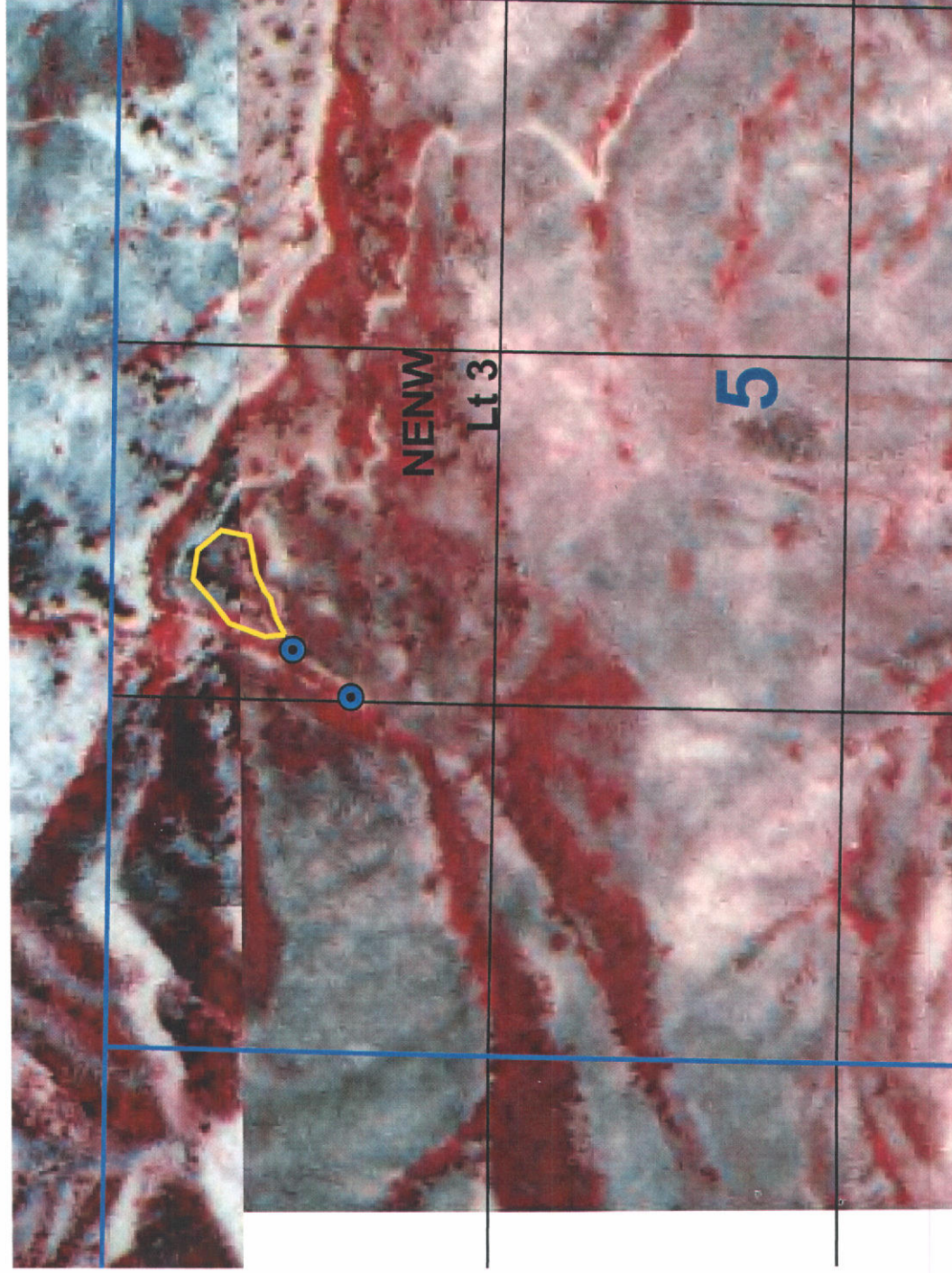
PHOTO #3
PART OF POU
LOOKING NORTH
FROM SMALL ROAD



PHOTO #4
PART OF PIPE USED
TO DELIVER WATER
FROM LOWER POD

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

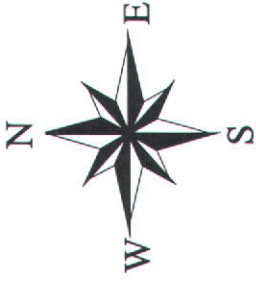
6 SECTION NUMBERS

CLAIM(S): 63-15427

OWNER(S): BROWN, MAURICE

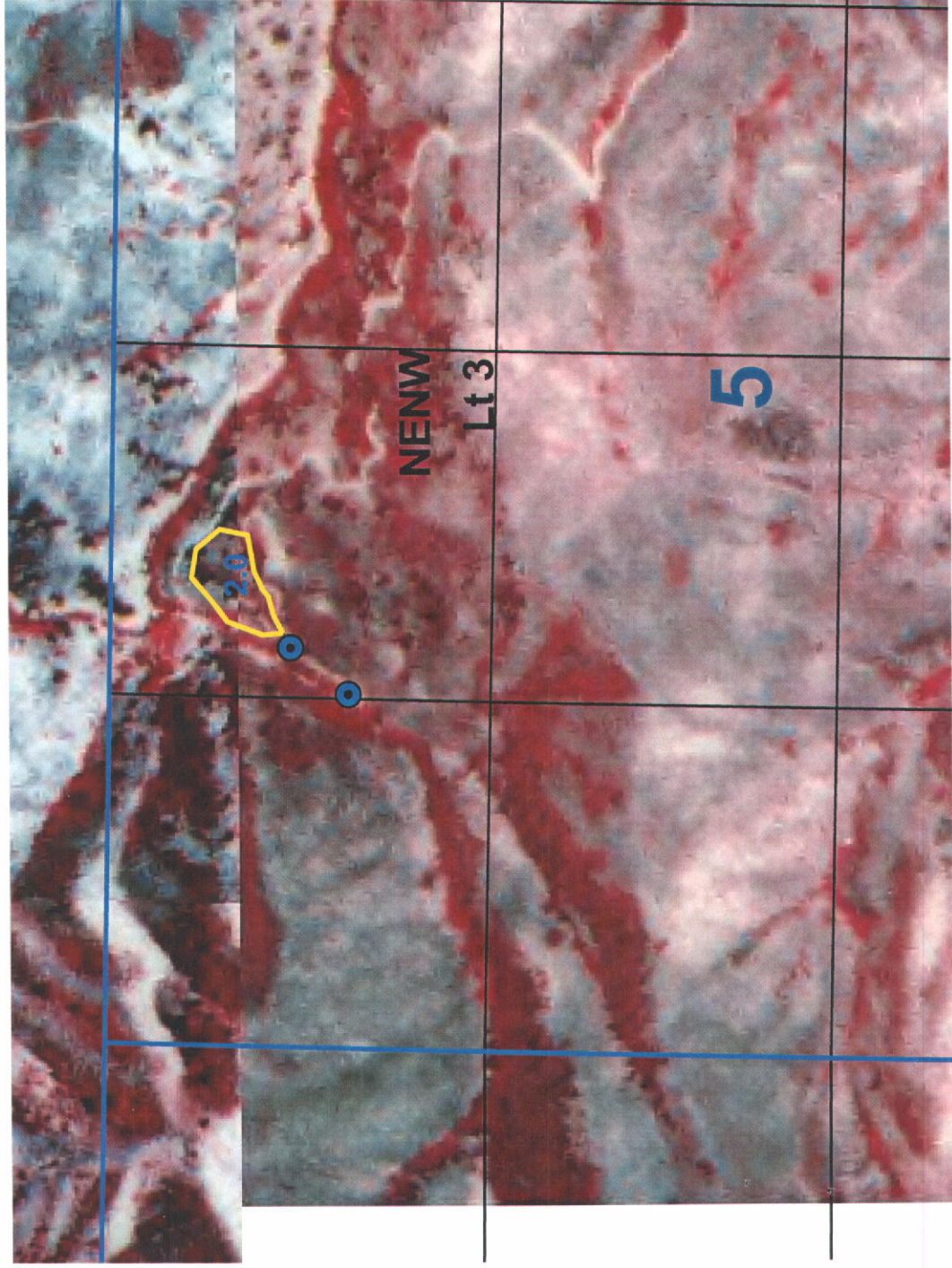
DATE: NOVEMBER 5, 2001

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

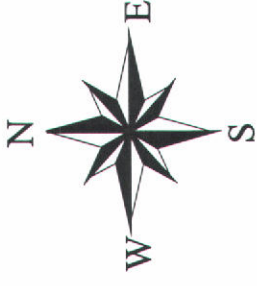
6 SECTION NUMBERS

CLAIM(S): 63-15427

OWNER(S): BROWN, MAURICE

DATE: NOVEMBER 5, 2001

by: Mel Schulte



T3N, R4E



gravelly
site

Pump
site



12.4 ac. Total

Brown
not
NENW

NWNW

Lt 4

Lt 3

5

Boise 09245

Brown #63-15427

The United States of America,

To all to whom these presents shall come, Greeting,

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Elmer O. Gottys has been established and duly consummated, in conformity to law, for the east half of the southwest quarter of Section thirty-two in Township four north and the Lots three and four of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing one hundred sixty-eight and thirty-seven-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTEENTH

Day of NOVEMBER in the year of our Lord one thousand nine hundred and SEVENTEEN and of the Independence of the United States the one hundred and FORTY-SECOND

By the President: *Woodrow Wilson*
By: *M. P. Kirby* Secretary.
John O. Connelley Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 607784

APR 21 1977

I hereby certify this to be a true copy of the document on file in the Branch of Records, Bureau of Land Management, Boise, Idaho.

Rose Eastell
Certifying Officer

First # 8063
Boise County Idaho 55
Request of *Lafayette Title*
Time 10:35 AM.
Date April 25, 1977
Book 8 - Patents
Page 453
Robert J. Tuffield
R. M. Shanks
Deputy
Rec'd 197

Boise 025298

4-1007-H

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Elmer C. Gettys**

has been established and duly consummated, in conformity to law, for the **west half of the southeast quarter and the west half of the southwest quarter of Section thirty-two in Township four north and the southwest quarter of the northeast quarter, the south half of the northwest quarter, and the southwest quarter of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing four hundred forty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described, TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereto, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights in ditches and reservoirs used in connection with said water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so granted and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862).

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FIFTH** day of **OCTOBER**

In the year of our Lord one thousand

nine hundred and **TWENTY-SIX**

and of the Independence of the

United States the one hundred and **FIFTY FIRST**

By the President:

Calvin Coolidge

By

W. B. Cagle

Secretary

M. P. LeRoy

Recorder of the General Land Office

RECORD OF PATENTS: Patent Number **987855**

APR 21 1977

I hereby certify this to be a true copy of the document on file in the Branch of Records, Bureau of Land Management, Boise, Idaho.

Rose Dastell
Certifying Officer

28-87208

Inst # 86064
Boise County Idaho

Request of

Deputy Title

Time 10:40a M.

Date April 25, 1977

Book 8-6212

Page 454

Robert J. Tudfield

By *R. Tudfield*

Deputy

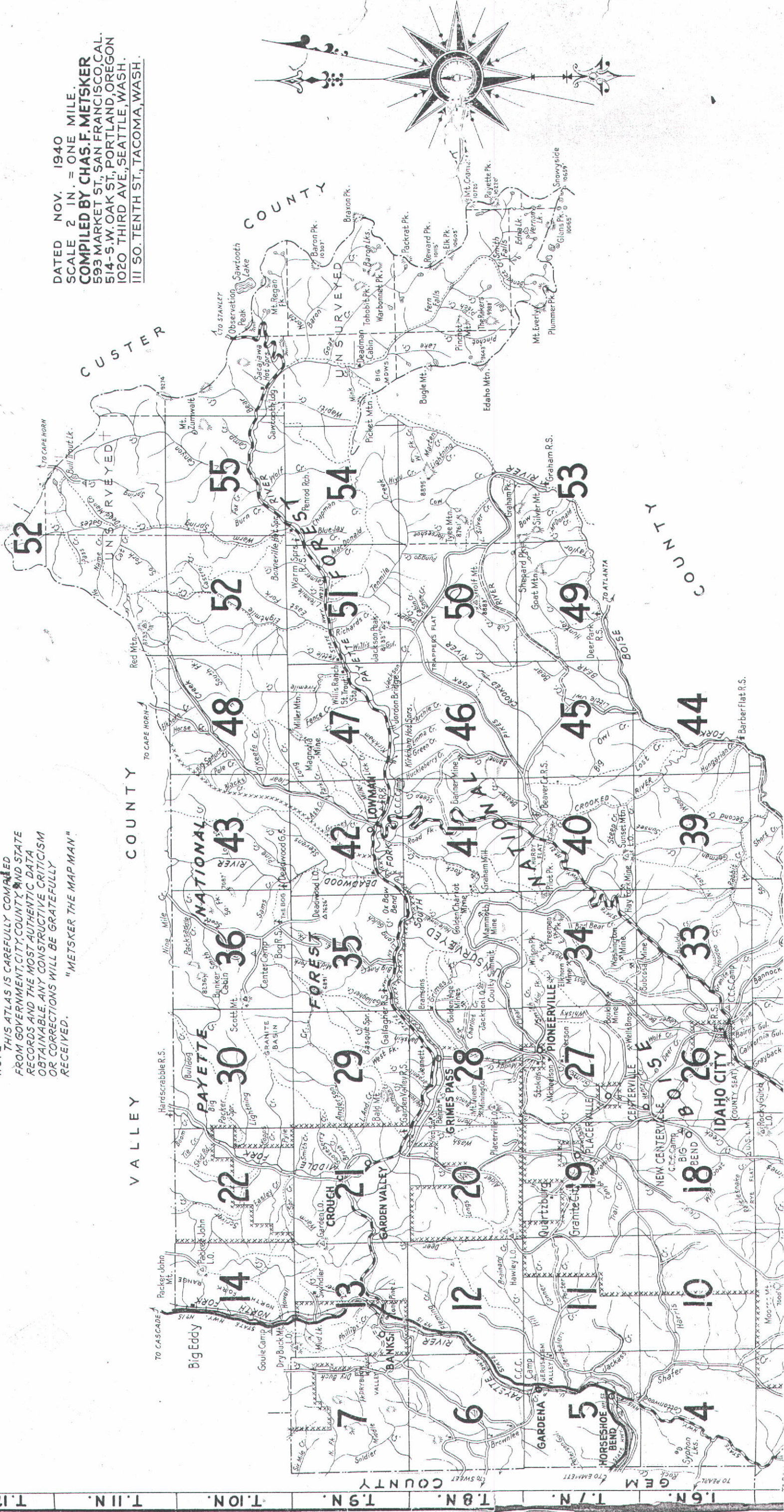
Feb 12

BOISE COUNTY

STATE OF IDAHO

NOTE:
THIS ATLAS IS CAREFULLY COMPILED
FROM GOVERNMENT CITY COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE. ANY CONSTRUCTIVE CRITICISM
OR CORRECTIONS WILL BE GRATEFULLY
RECEIVED.
"METSKER THE MAP MAN"

DATED NOV. 1940
SCALE 2 IN. = ONE MILE.
COMPILED BY CHAS. F. METSKER
593 MARKET ST., SAN FRANCISCO, CAL.
514-S.W. OAK ST., PORTLAND, OREGON
1020 THIRD AVE., SEATTLE, WASH.
111 SO. TENTH ST., TACOMA, WASH.

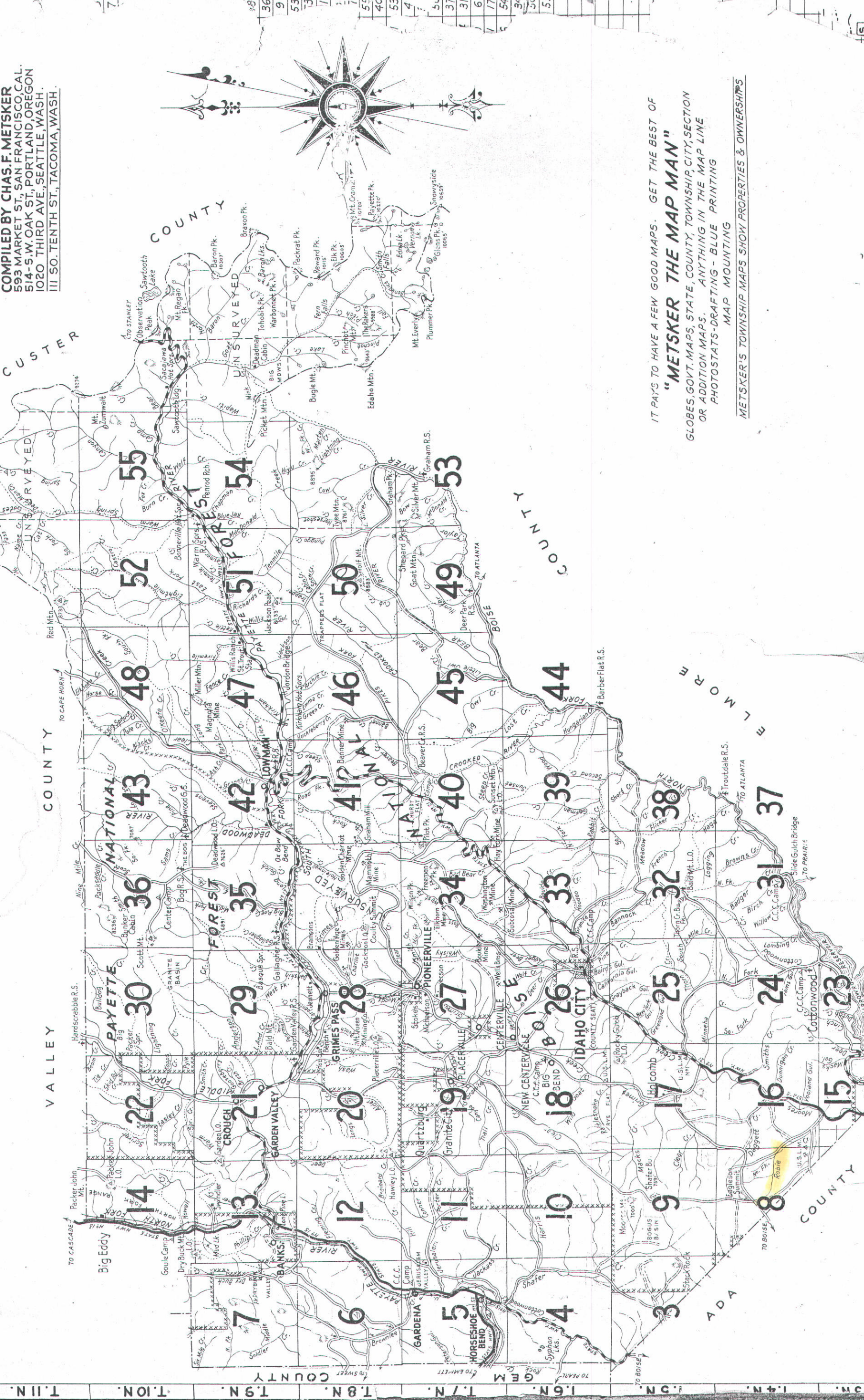


STATE OF IDAHO

Brown #63-15927

DATED NOV. 1940
SCALE 2 IN. = ONE MILE.
COMPILED BY CHAS. F. METSKER
593 MARKET ST., SAN FRANCISCO, CAL.
514-S.W. OAK ST., PORTLAND, OREGON
1020 THIRD AVE., SEATTLE, WASH.
111 SO. TENTH ST., TACOMA, WASH.

NOTE-
THIS ATLAS IS CAREFULLY COMPILED
FROM GOVERNMENT CITY COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE. ANY CONSTRUCTIVE CRITICISM
OR CORRECTIONS WILL BE GRATEFULLY
RECEIVED.
"METSKE THE MAP MAN"



IT PAYS TO HAVE A FEW GOOD MAPS. GET THE BEST OF
"METSKE THE MAP MAN"
GLOBES, GOVT. MAPS, STATE, COUNTY, TOWNSHIP, CITY, SECTION
OR ADDITION MAPS. ANYTHING IN THE MAP LINE
PHOTOSTATS-DRAFTING - BLUE PRINTING
MAP MOUNTING
METSKE'S TOWNSHIP MAPS SHOW PROPERTIES & OWNERSHIPS

SCALE 2 IN. = 1 MILE

FOR SALE BY
CHAS. F. METSKER,
514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 3 N., RANGE 4 E. B. M.

BOISE, ELMORE & ADA COUNTIES, IDAHO

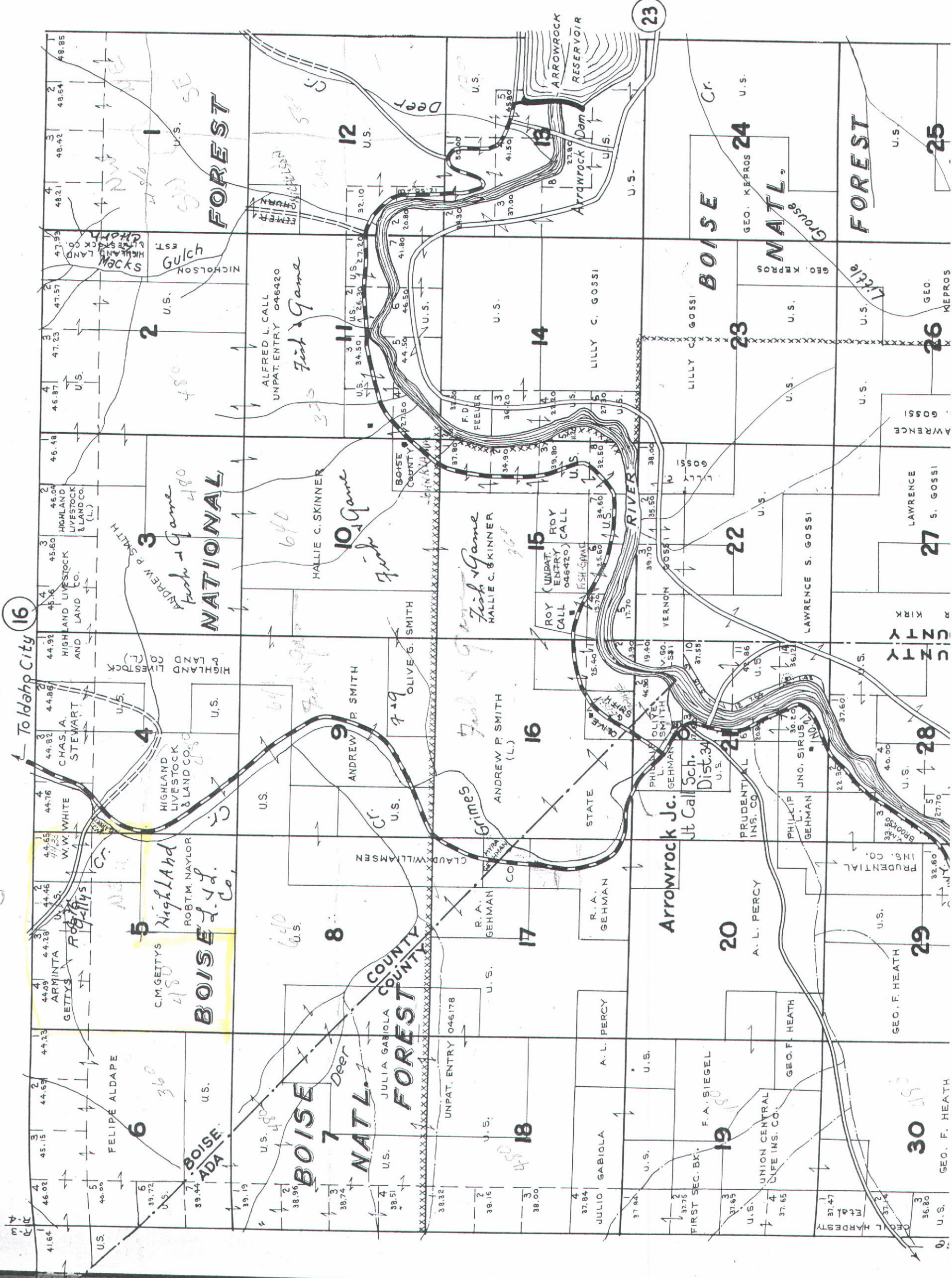
Nov 1940

METSKER'S ATLAS PAGE

of
BOISE COUNTY

BROWN

#63-15427



2010	12378	34	1910
2011	12378	34	1910
2012	12378	34	1910
2013	12378	34	1910
2014	12378	34	1910
2015	12378	34	1910
2016	12378	34	1910
2017	12378	34	1910
2018	12378	34	1910
2019	12378	34	1910
2020	12378	34	1910
2021	12378	34	1910
2022	12378	34	1910
2023	12378	34	1910
2024	12378	34	1910
2025	12378	34	1910
2026	12378	34	1910
2027	12378	34	1910
2028	12378	34	1910
2029	12378	34	1910
2030	12378	34	1910
2031	12378	34	1910
2032	12378	34	1910
2033	12378	34	1910
2034	12378	34	1910
2035	12378	34	1910
2036	12378	34	1910
2037	12378	34	1910
2038	12378	34	1910
2039	12378	34	1910
2040	12378	34	1910
2041	12378	34	1910
2042	12378	34	1910
2043	12378	34	1910
2044	12378	34	1910
2045	12378	34	1910
2046	12378	34	1910
2047	12378	34	1910
2048	12378	34	1910
2049	12378	34	1910
2050	12378	34	1910
2051	12378	34	1910
2052	12378	34	1910
2053	12378	34	1910
2054	12378	34	1910
2055	12378	34	1910
2056	12378	34	1910
2057	12378	34	1910
2058	12378	34	1910
2059	12378	34	1910
2060	12378	34	1910
2061	12378	34	1910
2062	12378	34	1910
2063	12378	34	1910
2064	12378	34	1910
2065	12378	34	1910
2066	12378	34	1910
2067	12378	34	1910
2068	12378	34	1910
2069	12378	34	1910
2070	12378	34	1910
2071	12378	34	1910
2072	12378	34	1910
2073	12378	34	1910
2074	12378	34	1910
2075	12378	34	1910
2076	12378	34	1910
2077	12378	34	1910
2078	12378	34	1910
2079	12378	34	1910
2080	12378	34	1910
2081	12378	34	1910
2082	12378	34	1910
2083	12378	34	1910
2084	12378	34	1910
2085	12378	34	1910
2086	12378	34	1910
2087	12378	34	1910
2088	12378	34	1910
2089	12378	34	1910
2090	12378	34	1910
2091	12378	34	1910
2092	12378	34	1910
2093	12378	34	1910
2094	12378	34	1910
2095	12378	34	1910
2096	12378	34	1910
2097	12378	34	1910
2098	12378	34	1910

EXPLANATORY NOTES.

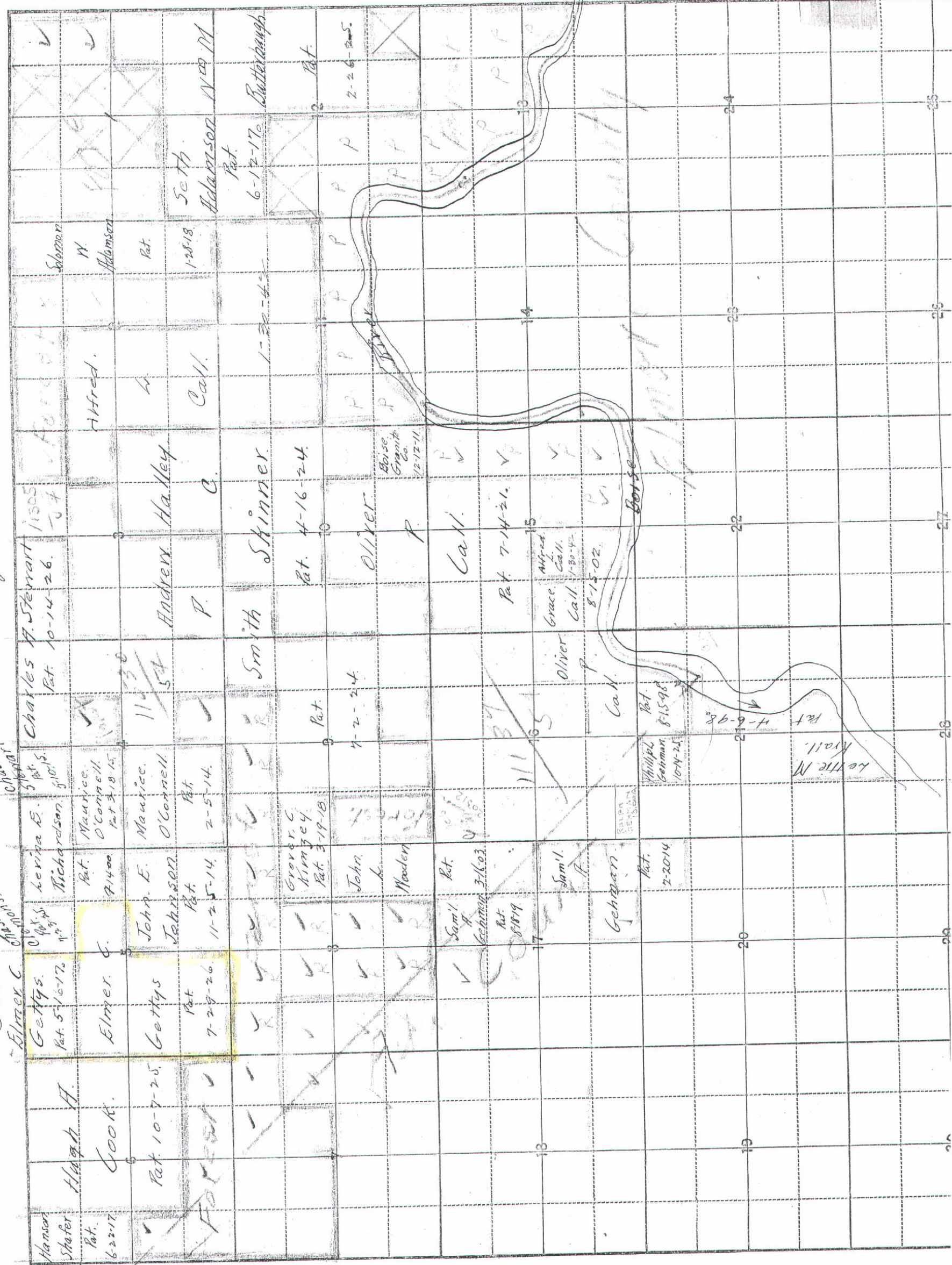
~~4-590 B.~~

Township, V. 3, No.

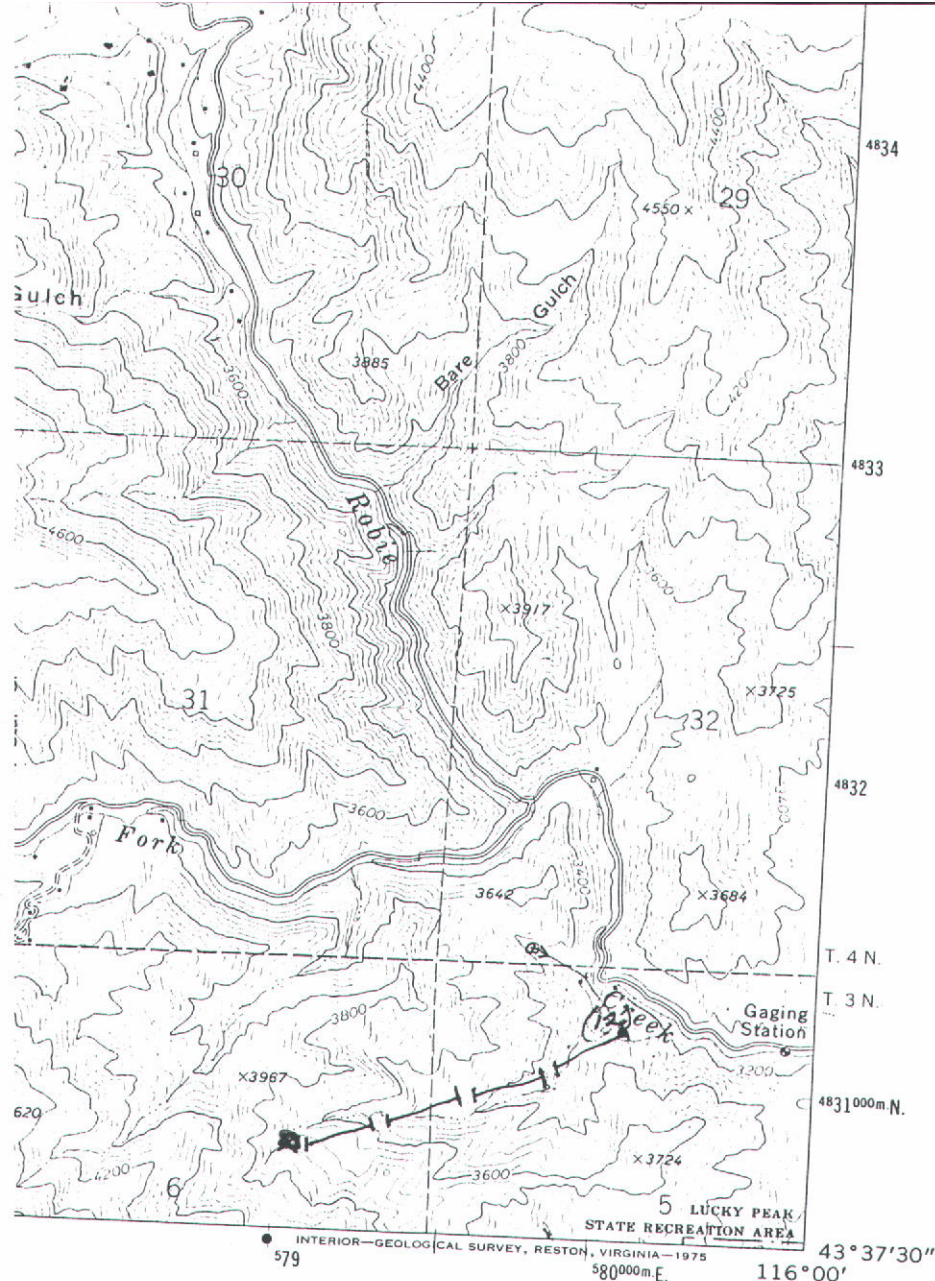
34 North Range No. 4. 50 B. Mex.

Brown

#63-15427

$$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$$


6-1037-C-5-20312-John J. Zimmer
2013¹2, P 155.48



ROAD CLASSIFICATION

- Primary highway, hard surface
- Secondary highway, hard surface
- Light-duty road, hard or improved surface
- Unimproved road
- Interstate Route
- U. S. Route
- State Route

ROBIE CREEK, IDAHO
NE/4 BOISE 15' QUADRANGLE
N4337.5—W11600/7.5

1972

AMS 2771 II NE—SERIES V893

X 10
W

Brown
65-15427

(ARROW ROCK DAM)
287' III SW

MICROFILMED

AUG 25 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-15427
Date Received: 5/19/89
Receipt No: C006953
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAURICE BROWN Phone: (208)345-4523

11 HOOVER DR.
BOISE ID USA 83716

2. Date of Priority: 05/01/1918

3. Source: UNNAMED STREAM Trib. to: ROBIE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	04E	6	NE SW NE	BOISE	

5. Description of diverting works:

CONCRETE HEADGATE AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.24	

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	04E	5	NE NW 5	IRRIGATION	12
Section Acres					12

Total Acres 12

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:

14. Remarks:

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

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A63-15427

[] Old Mailing Address: HC 33 Box 2002

Boise 83706

[] New Mailing Address: 11 HOOVER DR.

BOISE, ID . 83716

New Telephone Number: () -

[] Signature of Claimant: Debra R. Brown

Date: 7-10-01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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: A63-15427
Date Received: 5/19/1989
Receipt No: 6806953
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAURICE BROWN 208-345-4523
Address: HC 33 BOX 2002
BOISE, ID 83706
2. Date of Priority: MAY 01, 1918
3. Source: UNNAMED STREAM Trib. to: ROBIE CREEK
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
03N 04E 6 NE SW NE BOISE
5. Description of diverting works:
CONCRETE HEADGATE AND PIPELINE
6. Water is used for the following purposes:
Purpose From To C.F.S (or) A.F.A.
IRRIGATION 03/15 11/15 0.240
7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 36.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	04E	5	NE	NW	5	IRR	12.0
Section Acres							12.0
Total Acres							12.0

A63-15427

Page 1

Date: 05/19/89

MICROFILMED
AUG 25 1992

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:

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: 1

For Individuals:

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

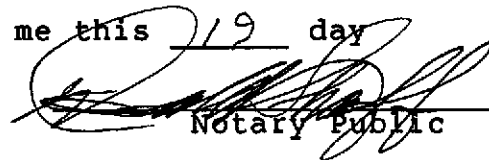
Signature of Claimant(s): Maurice C. Brown Date: 5-19-89

Date: _____

State of Idaho)
County of Ada) SS.

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

of May 19 89


Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

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

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *AK*

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-15427

2004 NOV 4 PM 3 01

NAME AND ADDRESS: MAURICE BROWN
P O BOX 1081
RIVERBANK, CA 95367-1081

MAURICE BROWN
11 HOOVER DR
BOISE, ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: ROBIE CREEK

QUANTITY: 0.06 CFS

PRIORITY DATE: 05/01/1918

POINT OF DIVERSION: T03N R04E S05 LOT 3 (NENW) Within Boise County
LOT 3 (NENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.06 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
T03N R04E S05 LOT 3 (NENW) 2.0
2.0 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. I.C. SECTION 42-1412(6).

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 63-15427
(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: Maurice Brown
Address: 11 Hoover Dr
Boise, ID 83716

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):

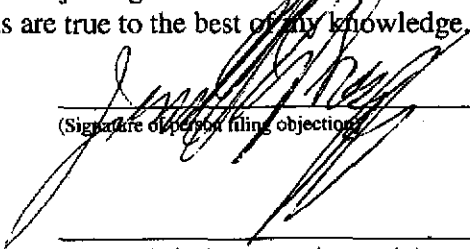
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, 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 29, 2003

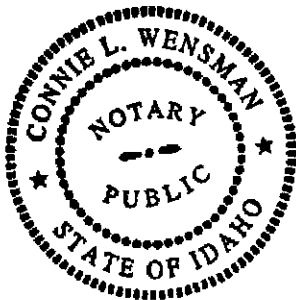


Connie L. Wensman

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: Maurice Brown

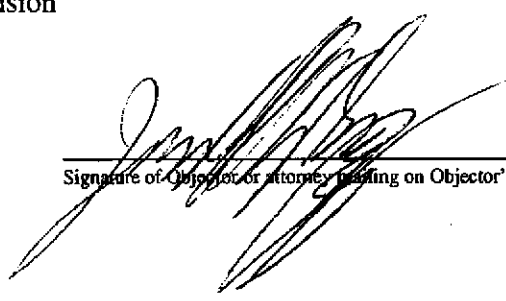
Address: 11 Hoover Dr
Boise, ID 83716

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 acting on Objector's behalf

In Re SRBA
Case No. 39576

STANDARD FORM 1
OBJECTION RECEIVED

Department of Water Resources

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

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)

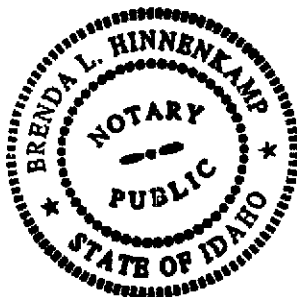
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Albert P. Barker
(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:

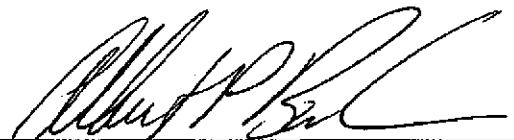
Name: See Attachment B
Address:

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 Ottawa 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
Dwaine Wright
Lizabeth 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

02/13/2002

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

RIGHT NUMBER: 63-15427
NAME AND ADDRESS: MAURICE BROWN
11 HOOVER DR
BOISE ID 83716

SOURCE: UNNAMED STREAM TRIBUTARY: ROBIE CREEK
QUANTITY: 0.06 CFS
PRIORITY DATE: 05/01/1918

POINT OF DIVERSION:
T03N R04E S5 NENW Lot 3 Within BOISE County
T03N R04E S5 NENW Lot 3 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION Within BOISE County
T03N R04E S05 Lot 3 NENW 2.0

2 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: Beneficial Use

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET**

(Use with the ECVR)

CLAIM NO(s). A63-15427

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 5-1-1918
(If the priority date, based on your exam, seems questionable, explain below.)

The evidence provided relates to when the patents were issued under the homestead entry act but does not support the use of water on the land.

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:

Township 3N Range 4E Section 5 1/4 _____ 1/4 NE 1/4 NW - 2
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☒ Incomplete description, list below:

The P/D's and delivery system explained by the claimant's ^{4-wife} son during the field exam was an old pump site and an old ditch system from two different P/D's. The old ditch system as claimed had not been used for many years.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

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

7. ☐ No Change - TOTAL VOLUME

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

☐ Changes found, the new total is, Amount 106 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

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

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

Two acres of irrigation might have been possible but not 12. The land is steep, wooded and brushy and no system was found to irrigate the 10 acres to the south that is the steepest land.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-10-01

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

A63-15427

PHOTOS TAKEN 7/10/2001

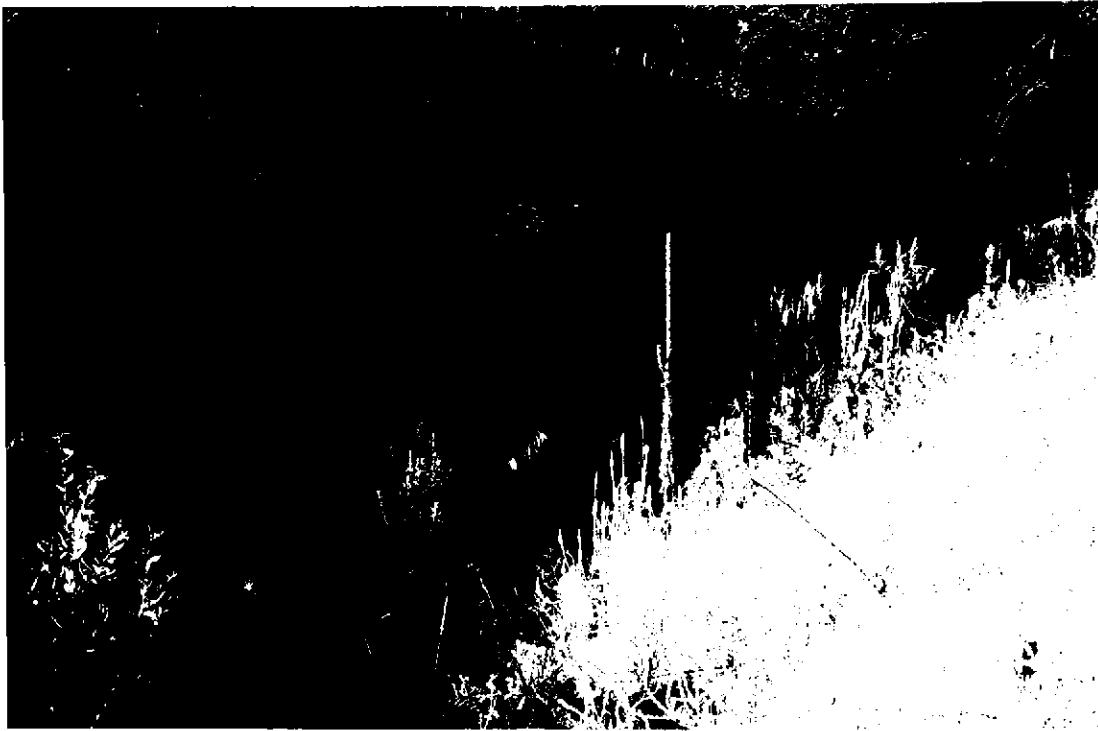


PHOTO #1
UPPER POD SITE
LOOKING NE FROM
ROAD



PHOTO #2
SITE OF LOWER POD

A63-15427

PHOTOS TAKEN 7/10/2001



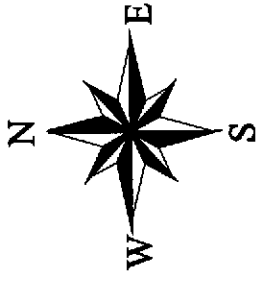
PHOTO #3
PART OF POU
LOOKING NORTH
FROM SMALL ROAD



PHOTO #4
PART OF PIPE USED
TO DELIVER WATER
FROM LOWER POD

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15427

OWNER(S): BROWN, MAURICE

DATE: NOVEMBER 5, 2001

by: Mel Schulte



0.75 Miles

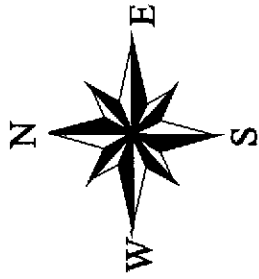
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T03N, R04E, S5



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15427

OWNER(S): BROWN, MAURICE

DATE: NOVEMBER 5, 2001

by: Mel Schulte





CLAIMANT'S NAME: Maurice BrownDATE: 7/6/89EMPLOYEE: Anna BaumhoffRE: claim is for using of 12 acres priority date
5/1 1914 from unnamed stream.

Mr. Brown came into the office ^{approx.} the first week of April. We discussed his property which he purchased from EENA Hoover. He was concerned about her rights as well as his. He built his home in 1979. and receives his water from Mrs. Hoover's Springs they have an agreement that this is temporary and Mr. Brown will eventually develop his own source from on his property.

Mrs. Hoover has claimed all of the established Beneficial Use Right and excluded any use for the property now owned by Mr. Brown.

from discussions with both Mrs Hoover & Mr. Brown it appears that Mr. Brown Established a new right approx in 1979 from the Springs this requires a permit - no permit was filed.

Mr. Brown is claiming as his source for his adj. claim a stream system that he told me was abandoned - completely clogged and also originates on Mrs. Hoovers land.

Mrs. Hoover ~~felt~~ felt that the W.R. from this source had been abandoned by disuse for more than 5 yrs. and did not claim it in the adjudication.

MICROFILMED

AUG 25 1992

A. ROOT WATER RIGHT NUMBERS: A63-15427									
B. POU LISTING									
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/USE/ACRES	WR #/USE/ACRES	LANDSAT DATA
03N	04E	5	NE	NW	5	BROWN, MAURICE	A63-15427 /01/12.0	- / /	
			NE	NW		BROWN, MAURICE	A63-05161A /43/	- / /	
			NE	NW	3	ALLEN, JOSEPH B	A63-05161B /43/	- / /	
			NE	NW	4	BROWN, MAURICE	63-05161A /43/	- / /	
			NE	NW		BOISE CASCADE CORP.	63-05339 /04/	63-05161 /01/40.0	
			NE	NW	3	HOOVER, LESTER	63-12290 /43/	63-12284 /43/	
			NE	NW	3	RANDALL, RON			
			NE	NW	3	BROWN, MAURICE			
TOTAL ACRES							A63-15427 12.00		

POU COUNTY: BOISE

BROWN
#63-15427

Boise 09245

The United States of America,

To all to whom these presents shall come, Greeting,

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been recorded in the General Land Office, whereby it appears that pursuant to the Act and Contract of May 20, 1862, To Secure Homesteads to Actual Settlers on the Public Domain, and the acts amendatory thereof, the claim of Elmer O. Gettys, has been established and duly consummated, in conformity to law, for the east half of the southwest quarter of Section thirty-two in Township four north and the Lots three and four of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing one hundred sixty-eight and thirty-seven-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General.

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the part of Land above described, TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant, forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditch and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and there is reserved from the land hereby granted, a right of way thereon for ditches or canals constructed by the United States of America.

IN TESTIMONY WHEREOF, Woodrow Wilson

President of the United States of America, have caused these letters to be made

Patents and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, this THIRTEENTH

day of NOVEMBER, in the Year of our Lord one thousand

nine hundred and SEVENTEEN, and of the Independence of the

United States, the one hundred and FORTY-SECOND

By the President,

By

Woodrow Wilson
M. P. Kelley
John O. Connelley
Secretary
Register of the General Land Office

RECORD OF PATENTS Patent Number

607784

APR 21 1977

I hereby certify this to be a true copy of the document on file
in the Branch of Records, Bureau of Land Management, Boise, Idaho.

Certifying Officer

Form # 806-3
Boise County Idaho 05

Request of

Lafayette T. Title

Time 10:35 A.M.

Date April 25 1977

Book 8-Pat.Dist

Page 45-3

Robert J. Tullfield

by R. J. Tullfield
Register

Seal

454

INSTRUMENT NO. 88364

BROWN
#63-15427

Boise 025298

4-1007-11

The United States of America,

Do all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Elmer C. Getty** has been established and duly consummated, in conformity to law, for the west half of the southeast quarter and the west half of the southwest quarter of Section thirty-two in Township four north and the southwest quarter of the northeast quarter, the south half of the northwest quarter, and the southwest quarter of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing four hundred forty acres.

According to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General.

NOW KNOW YE, That there is therefore granted by the UNITED STATES unto the said claimant the tract of land above described, TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereto, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights of ditches and canals used in connection with such water rights, in any to be recognized and acknowledged by the local customs, laws, and decisions of courts, and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States, reserving and reserving, however, to the United States all the coal and other minerals therein, in, under, and adjacent to the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862).

IN TESTIMONY WHEREOF, I, **Calvin Coolidge**,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FIFTH** day of **OCTOBER**

in the year of our Lord one thousand nine hundred and **TWENTY-SIX**

and of the Independence of the United States the one hundred and **FIFTY-FIRST**

By the President: **Calvin Coolidge**
W. B. Clegg, Secretary

By **W. P. LeRoy**
Register of the General Land Office

RECORD OF PATENTS Patent Number **987855**

APPROVED FOR RECORDING 4-1007-11

APR 21 1977

I hereby certify this to be a true copy of the document on file in the Branch of Records, Bureau of Land Management, Boise, Idaho.

Russ Dastell
Certifying Officer

28-87208

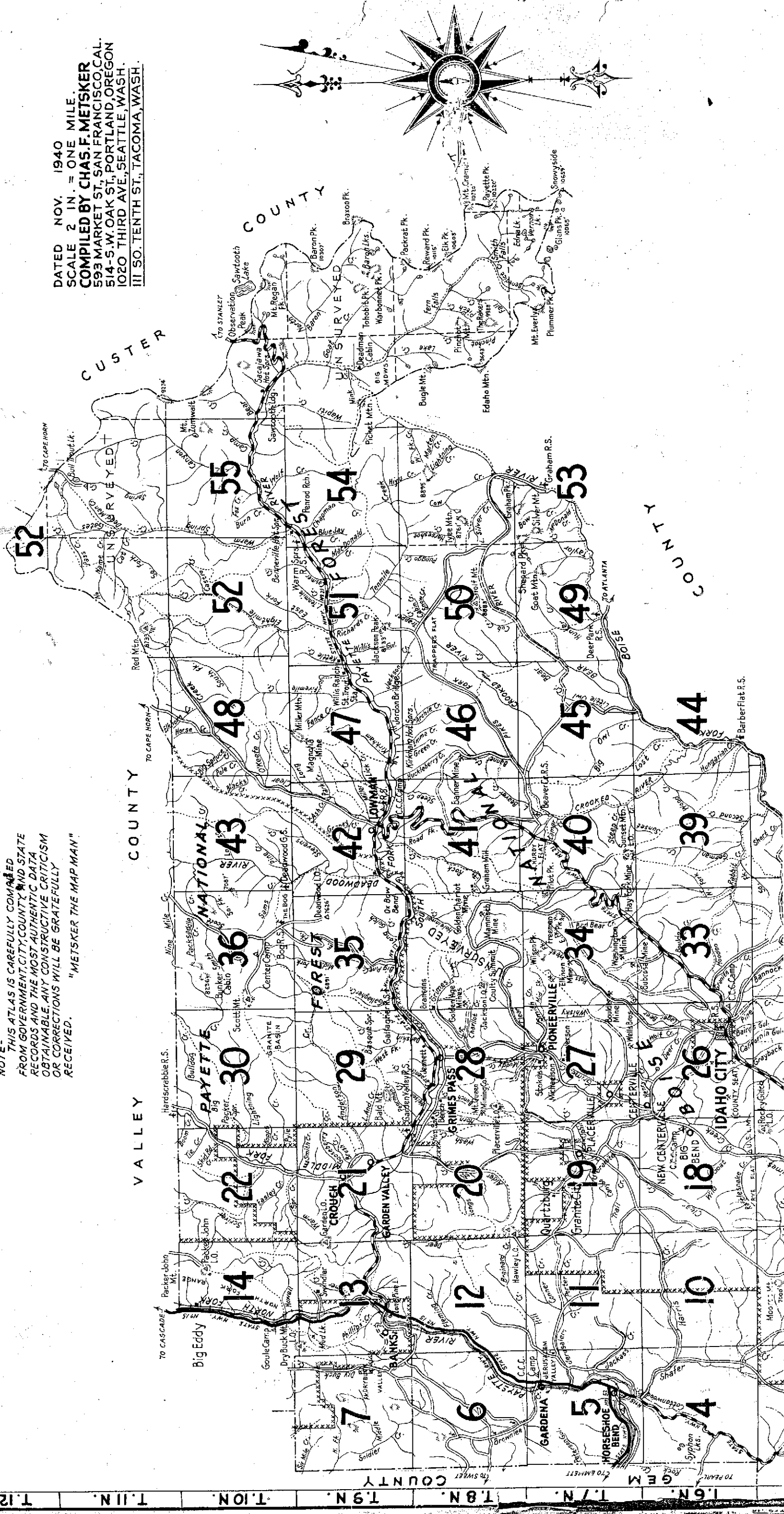
Book 786064
Boise County Idaho
Request of **LeRoy Taylor**
Time 10:40 a.m.
Date April 25, 1977
Book 8-6242
Page 454
Robert J. Telford
By **W. B. Clegg**
Deputy
FEB 12

BOISE COUNTY

STATE OF IDAHO

NOTE-
THIS ATLAS IS CAREFULLY COMPALED
FROM GOVERNMENT, CITY, COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE. ANY CONSTRUCTIVE CRITICISM
OR CORRECTIONS WILL BE GRATEFULLY
RECEIVED.
"METSKE THE MAP MAN"

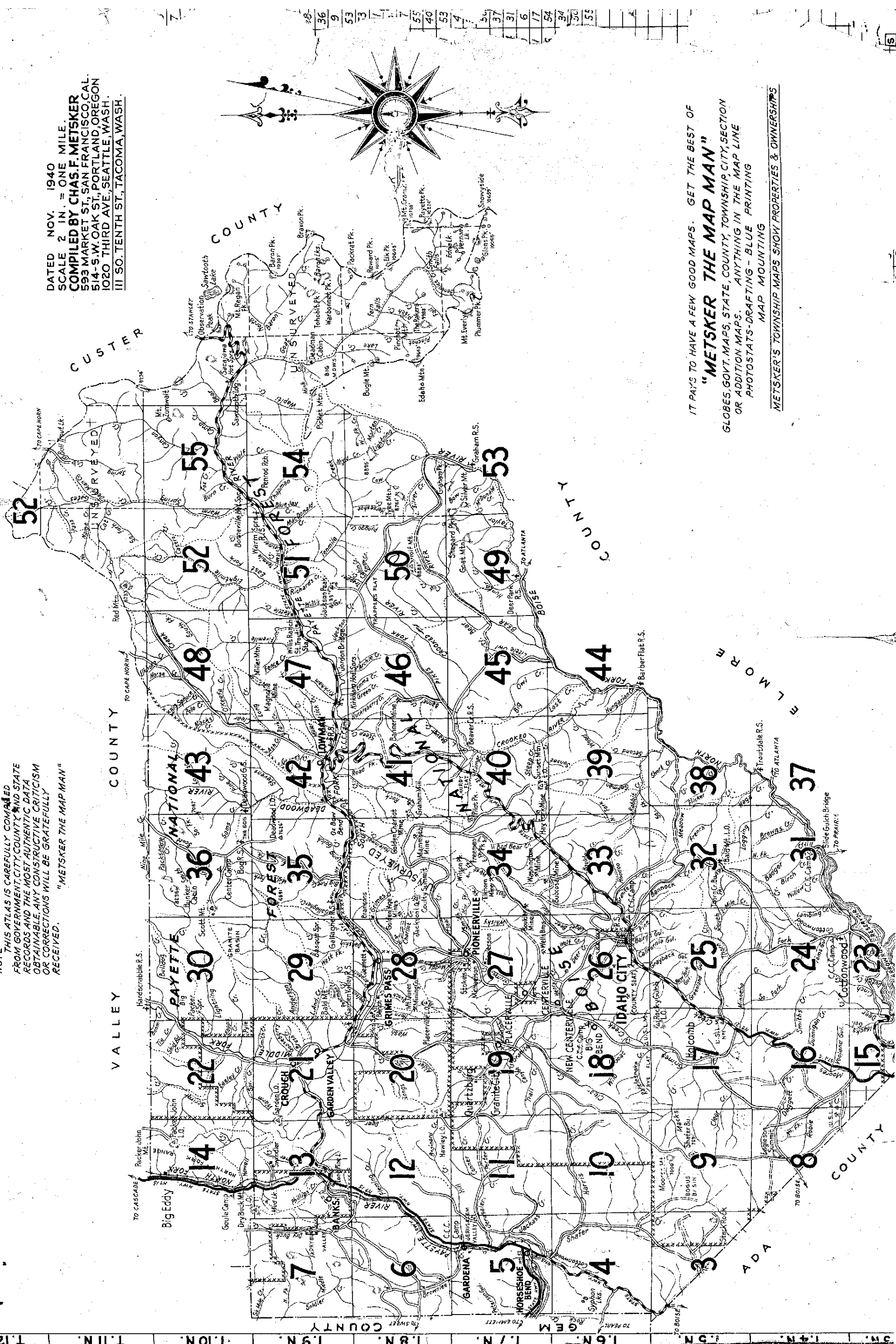
DATED NOV. 1940
SCALE 2 IN. = ONE MILE.
COMPILED BY CHAS. F. METSKER
593 MARKET ST., SAN FRANCISCO, CAL.
514-S.W. OAK ST., PORTLAND, OREGON
1020 THIRD AVE., SEATTLE, WASH.
111 SO. TENTH ST., TACOMA, WASH.



STATE OF IDAHO

"METSKEER THE MAP MAN"

DATED NOV. 1940
SCALE ? IN. = ONE



IT PAYS TO HAVE A FEW GOOD MAPS. GET THE BEST OF
"METSKEER THE MAP MAN"
 GLOBES, GOVT. MAPS, STATE, COUNTY, TOWNSHIP, CITY, SECTION
 OR ADDITION MAPS. ANYTHING IN THE MAP LINE
 PHOTOSTATS-DRAFTING - BLUE PRINTING
 MAP MOUNTING

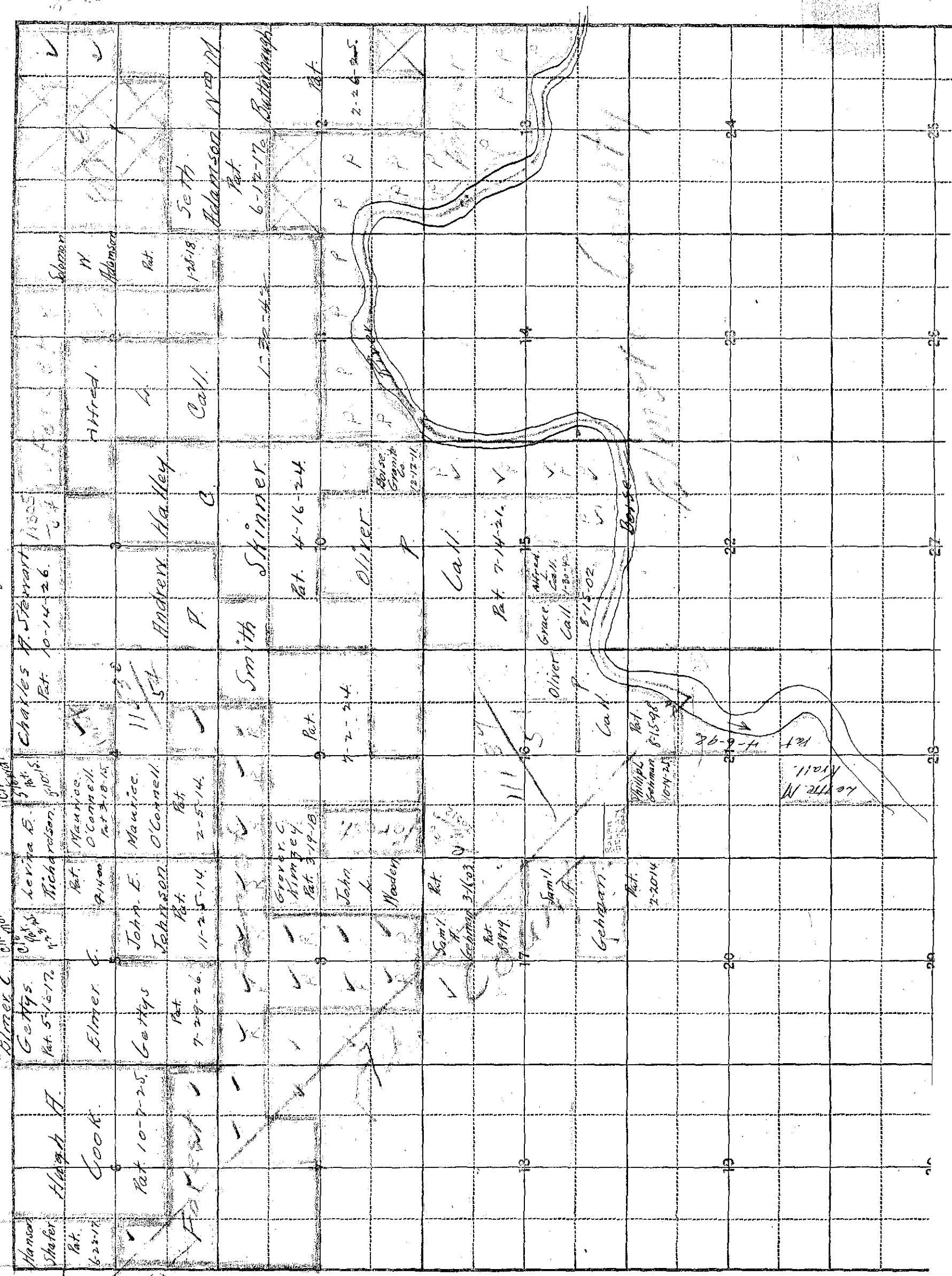
METSKER'S TOWNSHIP MAPS SHOW PROPERTIES & OWNERSHIPS

#63-15427

4-530 B.

EXPLANATORY NOTES.

Township No. 3 North Range No. 4 E. B. Mex.



6-10-51, C.5, 12.600/2.500000
3.134. 9153.48



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

MAURICE BROWN
11 HOOVER DR
BOISE ID 83716

Re: Claim No(s). 63-15427

Dear Claimant(s):

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

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

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

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15427

WATER RIGHT NUMBER: 63-15427

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAURICE BROWN 11 HOOVER DR BOISE, ID 83716 (208)345-4523

Priority Date: 05/01/1918
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ROBIE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.240 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SW1/4NE1/4	Sec. 6,	Twp 03N,	Rge 04E, B.M.
BOISE County				

Place of Use

IRRIGATION Within BOISE County
T03N R04E S05 Lot 5 NENW 12.0
Total Acres: 12

Conditions of Approval:Remarks:Dates and Other Information:

THE UNITED STATES OF AMERICA

Boise 09245

To all to whom these presents shall come, Greeting:

Whereas, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20th, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of Elmer C. Gettys, has been established and duly consummated, in conformity to law, for the

East half of the Southwest quarter of Section thirty-two in Township four north and the Lots three and four of Section five in Township three north all in Range four east of the Boise Meridian, Idaho, containing one hundred sixty-eight and thirty-seven-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

Now Know Ye, that there is, therefore, granted by the United States, unto the said claimant the tract of Land above described; To Have and To Hold the said tract of Land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In Testimony Whereof, I, Woodrow Wilson, President of the United States of America have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the thirteenth day of November in the year of our Lord one thousand nine hundred and seventeen and of the Independence of the United States the one hundred and forty-second.

By the President: Woodrow Wilson

By M. P. LeRoy
Secretary,

SEAL.

John O'Connell
Acting Recorder of the General Land Office.

Recorded: Patent Number 607784

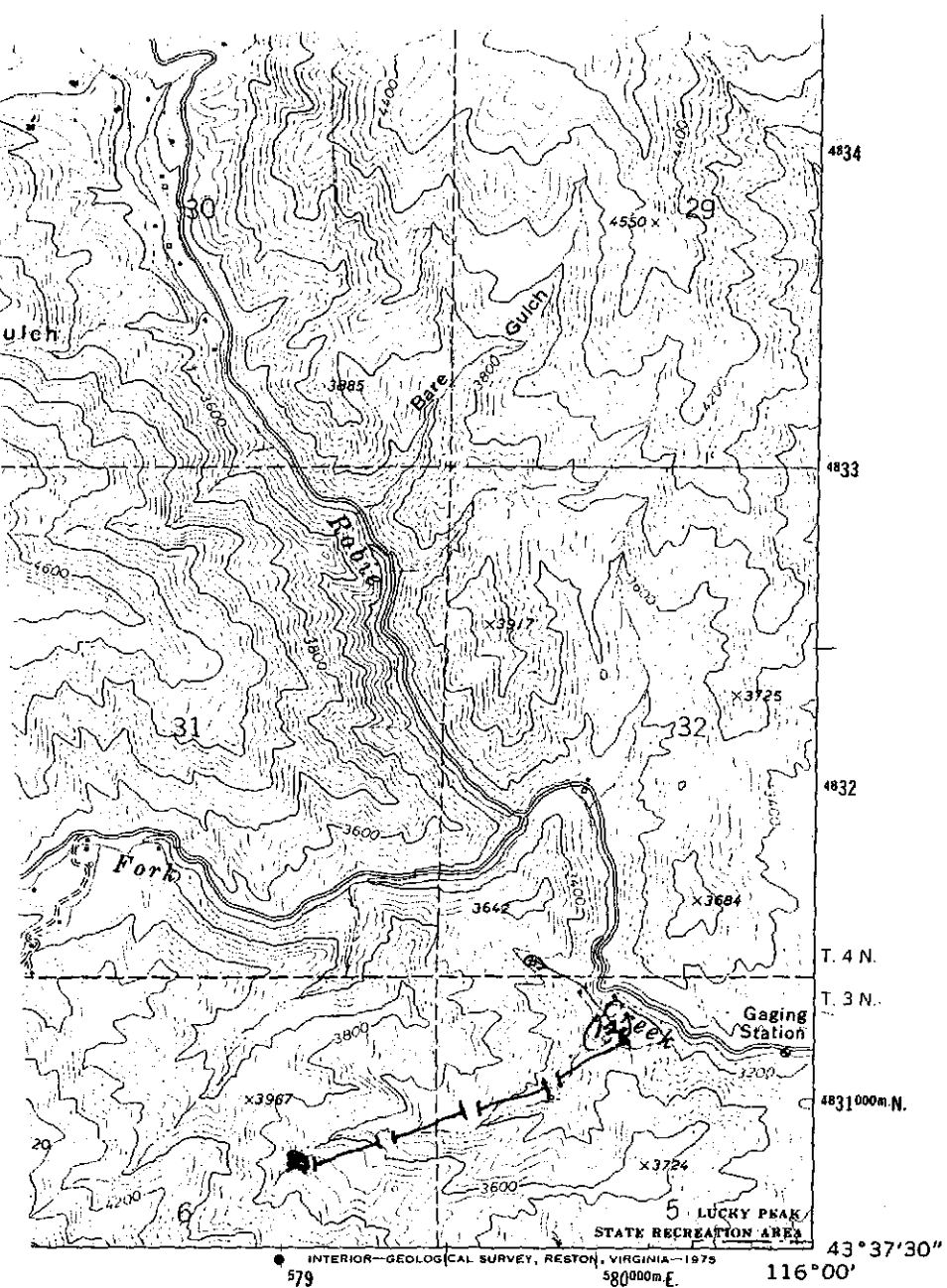
State of Idaho
County of Boise ss.

I hereby certify that this instrument was filed for record at request of J. F. Colvin at 20 minutes past 9 o'clock A. M., this 6th day of December A. D. 1919, in my office and duly recorded in Book 6 of Patents, at page 376.

Fred Garrecht
Ex-Officio Recorder.

Fees \$1.00

Lucile McLean
Deputy.



ROAD CLASSIFICATION

- | | |
|------------------------------------|--|
| Primary highway,
hard surface | Light-duty road, hard or
improved surface |
| Secondary highway,
hard surface | Unimproved road |
- ☐ Interstate Route
 ☐ U. S. Route
 ☐ State Route

ROBIE CREEK, IDAHO

NE/4 BOISE 15' QUADRANGLE
N4337.5-W11600/7.5

1972

AMS 2771 II NE-SERIES V893

x 10
W

Brown
65-15427

(ARROW ROCK DAM)
2871 III SW

MICROFILMED

AUG 25 1992

CONVERSATION MEMORANDUM

DATE 3/1/95FILE A63-5161BNAME OF PARTY Joe AllenEMPLOYEE Cindy HodgesRE: Use of Spring.

Mr Allen visited the office. He was upset about a duplicate claim filed on this right (A63-5161A).

The original owner (Mrs Hoover) filed the initial claim A63-5161. In 1993 Mr Allen purchased the property and ^(whole) claim was conveyed to him. However in 1985 Mrs Hoover had sold adjacent property to Brown and promised the use of a certain spring but it is not clear if any existing rights were conveyed.

Brown filed claim A63-5161A, showing additional acres irrigated ^{from same source.} and an earlier priority date. The original Statutory claim shows 46 ac although Mrs Hoover only showed 5 on her claim; it is not known at this time if the acres owned by Brown were also irrigated from the source. Brown may have a 1985 use which requires a permit (See agent memo ~~is~~ from A63-15427, also claimed by Brown, attached). Mr Allen may write and request a field investigation. I advised Mr Allen to get an affidavit of use and copy of the spring use agreement from Mrs Hoover. See also attached documents.

MICHOPILED

OCT 08 1996

MEMORANDUM

October 26, 1995

TO: CLAIM FILE NOS. A63-05161A, A63-05161B, A63-05161C
& A63-15427
APPLICATION FOR PERMIT NOS. 63-12284 & 63-12290

FROM: JAN SHURTE

RE: GENERAL SUMMATION OF FILING PROBLEMS WITH ABOVE CLAIMS
EXPLANATION OF WATER RIGHT DISPUTE AND FILING OF
APPLICATIONS

On June 21, 1983, Mr. & Mrs. Hoover filed Statutory Claim No. 63-05161. This claim was filed for 60 acres of irrigation, domestic and stockwater purposes from two unnamed streams, tributary to Robie Creek. The description of diversion works stated open ditch and 2" pipe out of stream for domestic. The priority date claimed was May 1, 1955. The number of homes or head of stock was not shown on this claim.

In May, 1989, Erna Hoover refiled on the above statutory claim under Claim Nos. A63-05161 and A63-15223 (see claims in file). In the remarks for Claim No. A63-05161(now renumbered to A63-05161B) Mrs. Hoover stated, "The basis of this claim is the statutory claim 63-05161 which had given unnamed streams as the source, when in actuality the source is and was 2 springs which were developed before 1955." In the remarks for Claim No. A63-15223(now renumbered to A63-05161C) she stated, "The basis of this claim is the statutory claim 63-05161 which originally gave unnamed streams as the source, when in actuality the source is a spring. The old school house was the original place of use, and when the new home was moved in the use was transferred." There is a memo to the file from Anna Baumhoff which states that from discussions with both Mrs. Hoover and Maury Brown (A63-05161A & A63-15427) it appears the unnamed stream systems were abandoned and Mrs. Hoover did not file a claim in the adjudication because she felt these unnamed streams had not been used for more than 5 years. Two other claims have been filed by Maury Brown based on this statutory claim. Claim No. A63-05161A covers one home for .01 cfs (4.5 gpm) from a spring source and Claim No. A63-15427 covers 12 acres of irrigation from one of the unnamed stream sources (Sec. 5).

There are currently 3 homes attached to the spring source. Two of the homes were added after 1971 and the one home is on the site of the original homestead - original home burnt down years ago and this house replaced it. When Mrs. Hoover sold the land for the two newer homes (Maury Brown & Ron Randall) and the third home (Joe Allen), she put a clause in their contracts concerning the spring use. The clauses stated that the two newer homeowners could use the water from the spring. She also put a clause in the third homeowners (Joe Allen) where he signed off stating that he would honor the agreement for the spring use between Brown & Hoover and

MICROFILMED

OCT 08 1996

that he would allow the owners of the adjacent mobile home(Ron Randall) use of the spring water. It appears that Joe Allen's home has the oldest water right, however, it will remain to be decided if a portion of this older right was given up when he purchased the home and signed the contract granting the other two users the right to the use of the spring water. Due to this question, along with the after 1971 uses, both Maury Brown & Ron Randall have now filed new applications for permit for this spring water.

Per Joe Allen's request, I conducted an adjudication field exam on October 24, 1995, on his land in Sec. 5 as described in the original statutory claim. The diversions are all from springs located in the draw approximately 600' to the west of the unnamed stream described in the original statutory claim in Sec. 5. The unnamed stream in Sec. 32 was not field examined at this time. This portion has been claimed as a spring source by Sterling & Debbie Turner under Claim No. A63-15223(now A63-05161C) per an ownership change from Ms. Hoover. Mr. Allen requested the exam because he is having a water dispute with the 2 other users of the spring source, Maury Brown and Ron Randall. He claims that he does not have enough water to irrigate his lawn and pasture area.

At the time of the field exam, I measured 9 gpm (.02 cfs) available at the headgate for irrigation. The amount measured at the springs collection area was 5 gpm with the remaining 4 gpm picked up thru other springs subbing into the stream from the springs as it flows down to the irrigation headgate. The stream from these springs is not the same as the unnamed stream described in the original statutory claim. See file for more details. Irrigation of the pasture area is .6 acres and approximately .1 acre for the lawn area around the home. The lawn area is less than .1 acre, however, I rounded it up to the nearest tenth. This brings the total irrigated area to .7 acres. I used an 8" to the mile acre grid and counted the acres using 1/10th acre increments. The area irrigated was outlined using both the orthophotoquad and Napp photos based on the findings during my field exam. Photos were also taken and are in the file showing the pasture and lawn area. Mr. Allen stated the hillside behind his home had once been irrigated, however, he indicated it has not been irrigated since 1987 or 1988. It is not now being irrigated nor does it appear to have been irrigated recently. A photo of this hillside area is also in the file. Mr. Allen owns a total of 2.5 acres in Sec. 5. The other two owners do not have outside irrigation.

In summary, the claims filed appear to be for a different source than that claimed originally under 63-05161. Mr. Allen did have 9 gpm for .7 acres at the time of the field exam. The spring water cannot be regulated by the Department or anyone since the source has not been decreed. Mr. Allen will need to seek civil action in order to pursue administration of this water. In the meantime, copies of the applications are being sent to Mr. Allen and a conference may be set up to tell the details again.

MICROFILMED

OCT 08 1996

7-10-01 1 mile from fork
From Robie Cr. Rd. to
Jackspar. Rd. left
past trailer & house
3/4 .2 miles to
Bway fork - turn
left at ~~the~~ Hoover Rd.-
up hill to home.

463-15427
7-10-01

1. Assisted by Debbie Brown and son Adam Brown.
2. Adam attempted to find the new POD's as best he could
3. POD has been moved from old site because old system is settled in an out of repair - hasn't been used for many years.
4. No irrigation for past several years - mainly new planting of trees and native vegetation.
5. No measurement possible