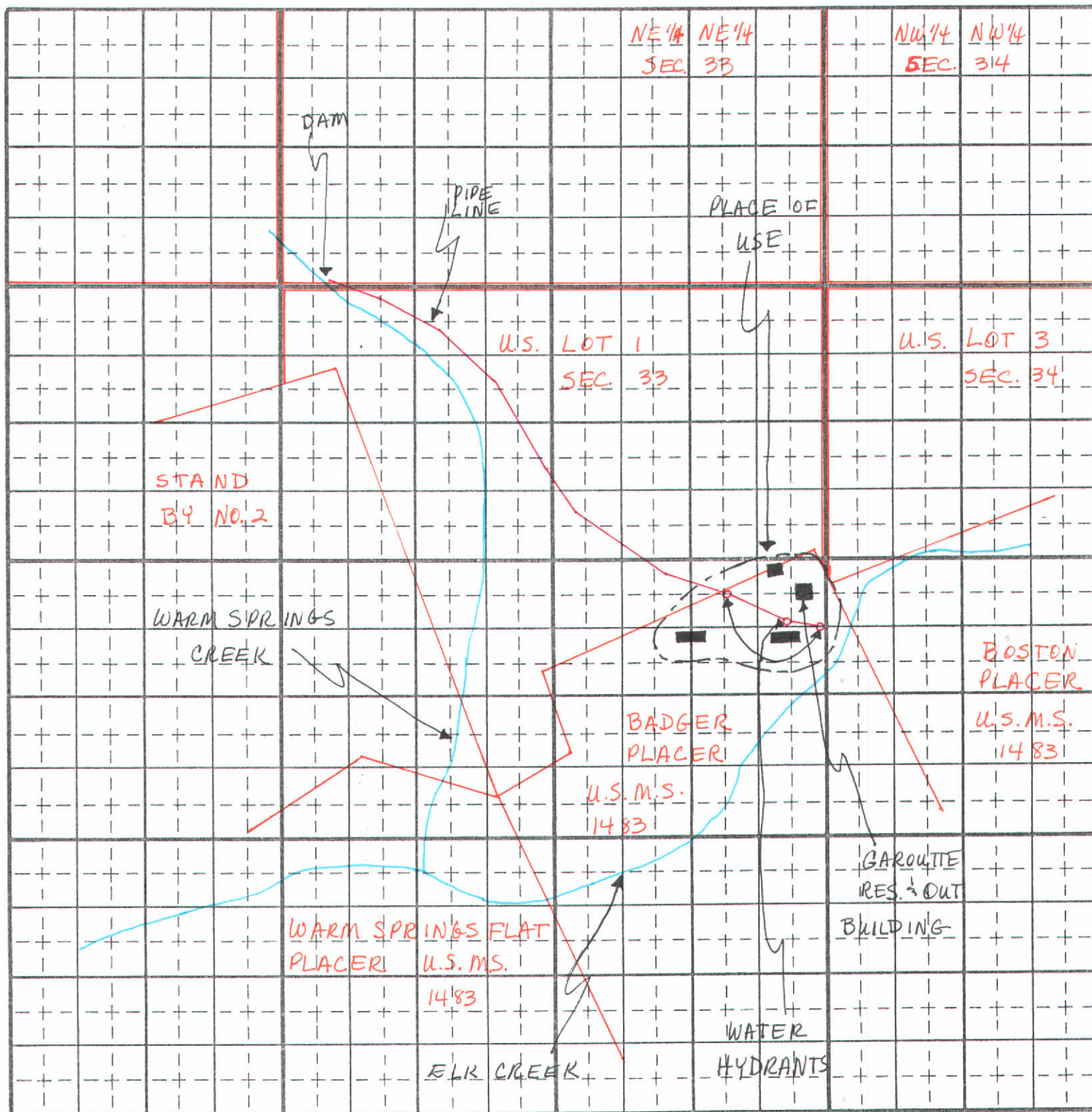


Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: ~~2 inches equals 1 mile~~ 4 inches equals 1/4 mile



MICROFILMED

Last Name Garoutte

Ident No. _____

Copies: White-State, Yellow-Claimant

AUG 25 1992

SRBA Claim Number Ab3-15447

Date of Photos 12/11/2001

Photographer T. Minicucci

Legal Description T6NRSES33 & SENE

① Place of use.

White building may be old shop building from mining company. Photo taken from road on north side of property.



② Place of use.

Low white building is original domestic dwelling, per Tom Germany (Neighbor). Photo taken from road on north side of property.



CROWHS

LDSTNK

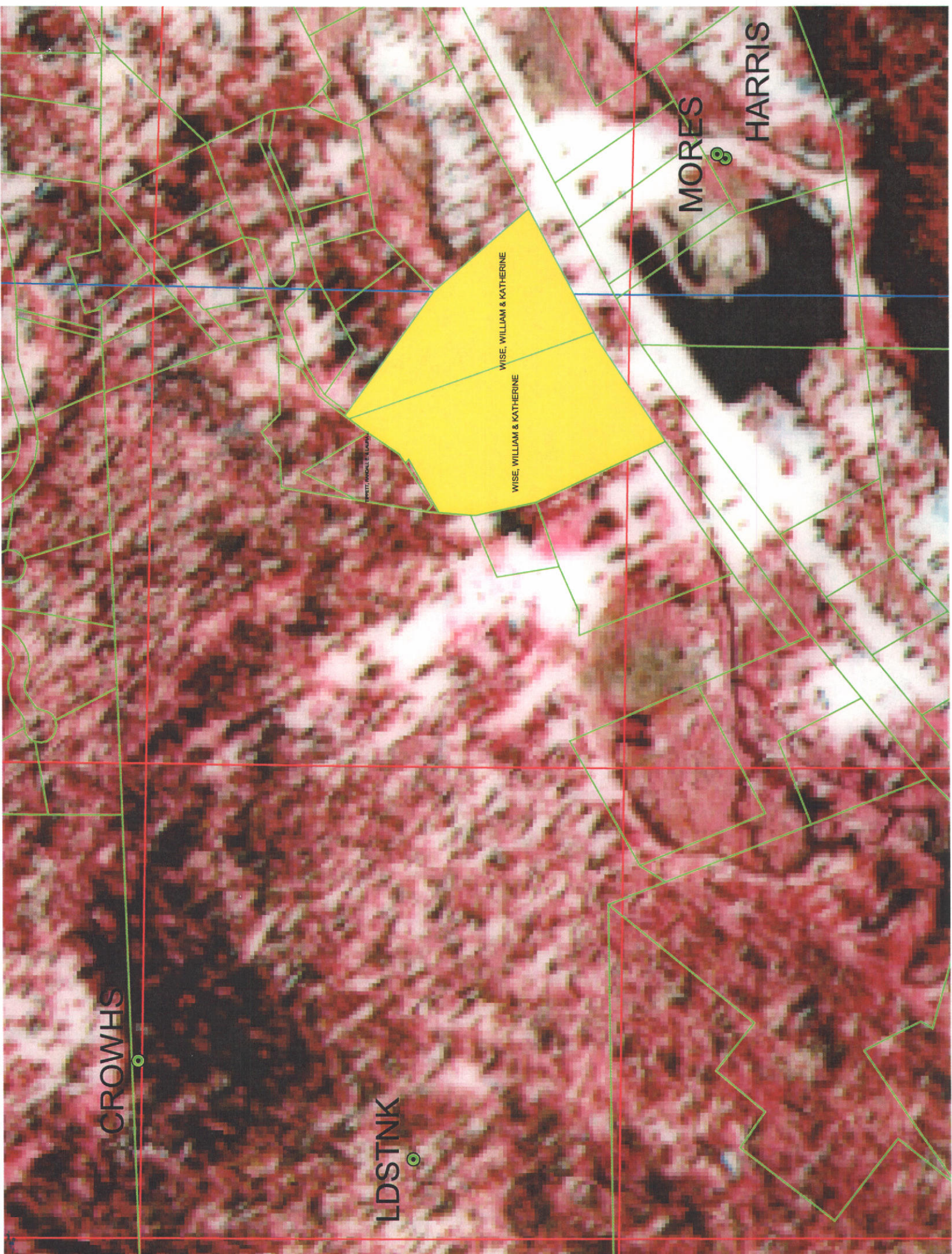
MORES

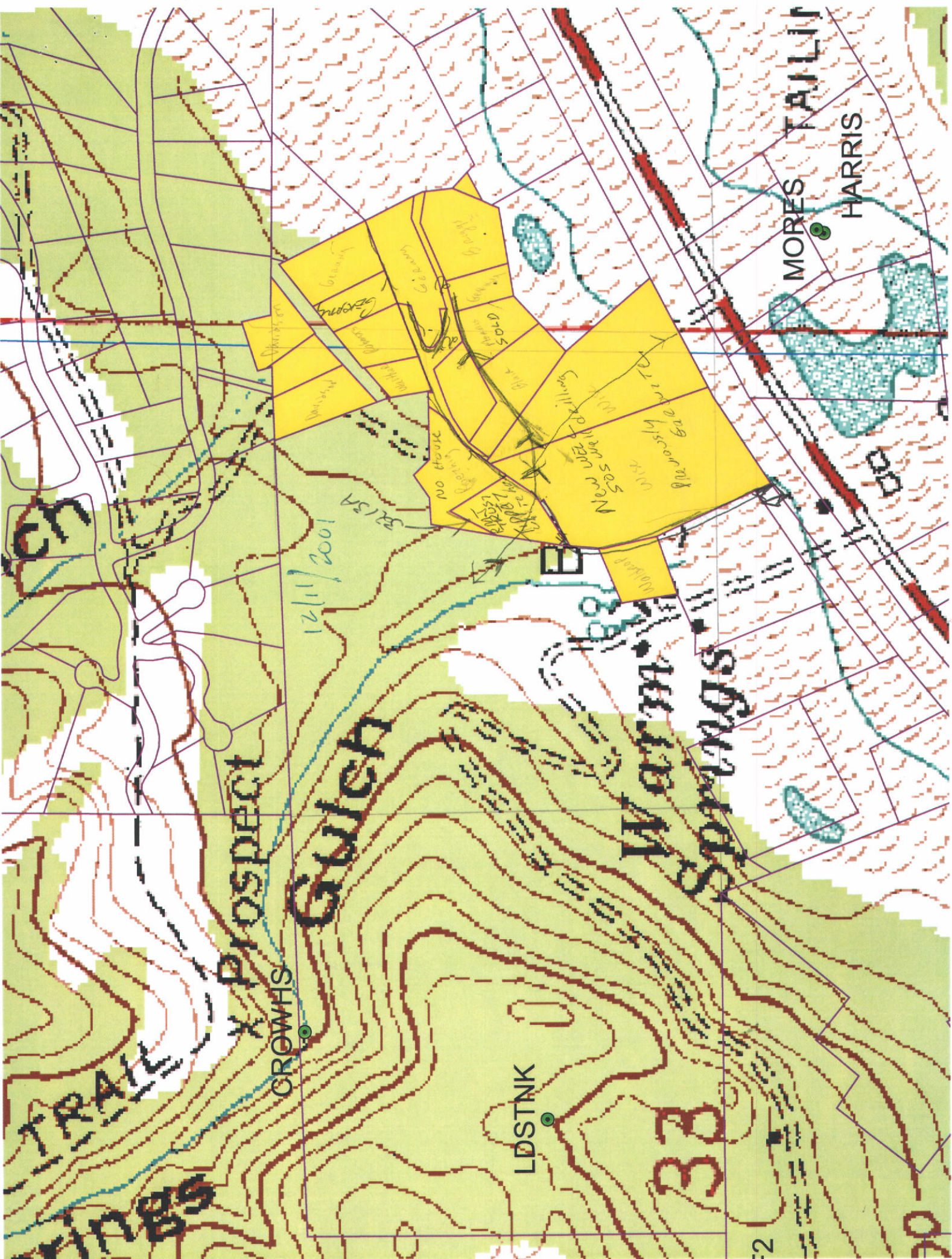
HARRIS

WISE, WILLIAM & KATHERINE

WISE, WILLIAM & KATHERINE

CRISSETT, MARSHALL E. LAND





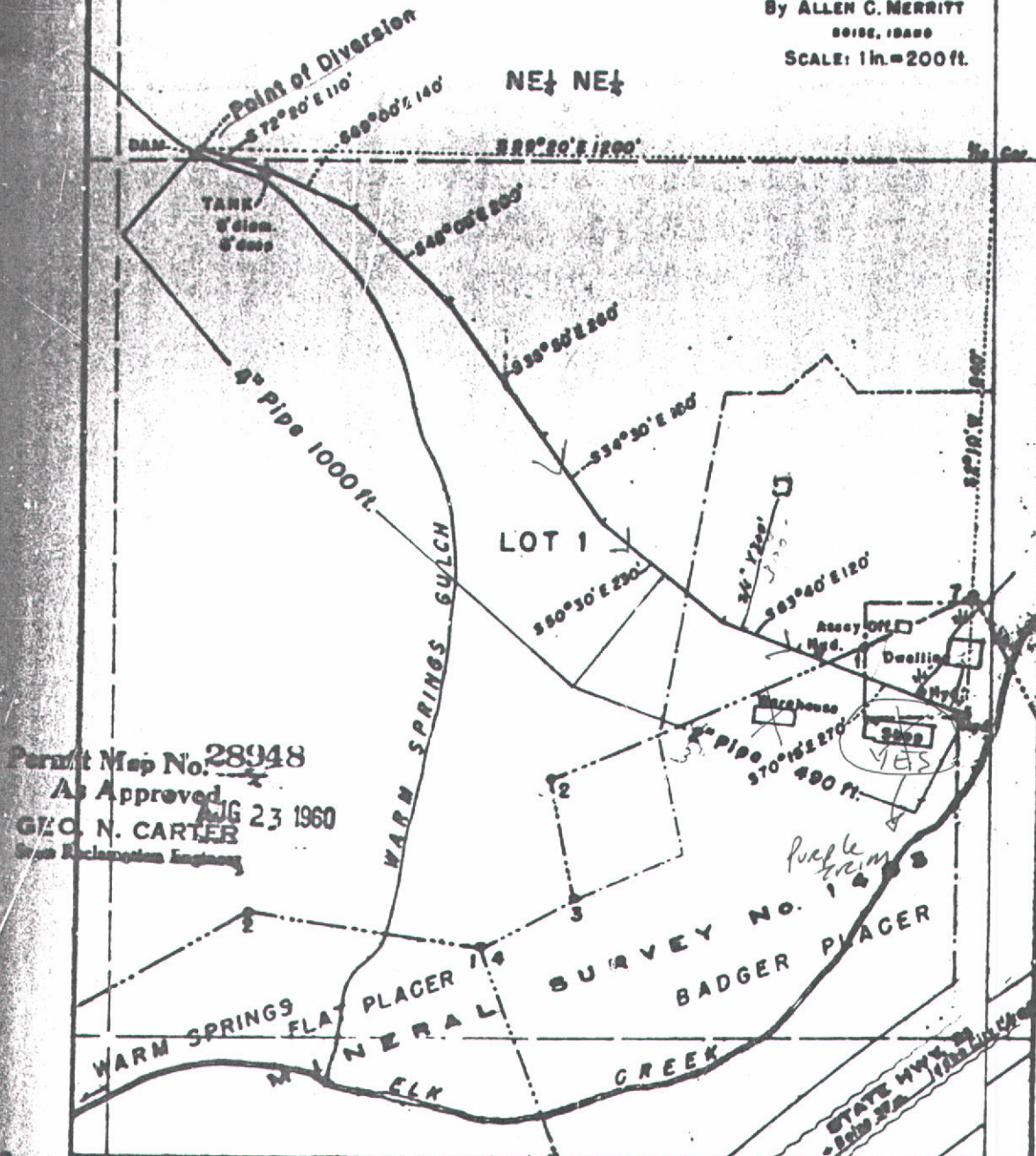
License
Field
EXAM

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MAP accompanying Application of
MILES M. YOUNG
For Permit to appropriate the Waters of
WARM SPRINGS GULCH
in NE 1/4 of Section 33, T. 6 N., S. E., B.M.
BOISE COUNTY, IDAHO



Surveyed July 13, 1960
By ALLEN C. MERRITT
BOISE, IDAHO
SCALE: 1 in. = 200 ft.



Permit Map No. 28948
As Approved
GEO. N. CARTER
State Reclamation Engineer
JUG 23 1960



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 10 1961

Department of Reclamation

Permit No. 28948

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Miles M. Young, Mining, Idaho City, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Personal

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 28948, Dated Aug. 23, 1960. Priority Date 8-17-60

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Warm Springs Gulch a tributary of Mores Creek.

Location- N. 89° 20' W., 1200 ft. distant from the SE corner of NE 1/4 of Section 33 Twp 6N, Rge 5E, B.M. and is in the same.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Concrete Dam, Storage Tank and Pipe Line equipped with three, 2 inch hydrants plus three 3/4 inch distribution pipe lines.

Amount of water conveyed (0.6) cubic feet per second.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each sub-division in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic, lawn water 1/2 acre more or less, fire protection for dwelling, shop & warehouse buildings and garage.

NE 1/4 Sec. 33, T. 6N. - R. 5E, B.M.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. X Three 2 inch fire hydrants located at suitable points for fire protection have been in use continually, and the water has also been applied for yard purposes and for domestic use at the dwellings involved.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. X 0.6 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. X I am the original person.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Continuous use since 1910 for the same property, repairs, replacement and improvements have been made.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other diversions and rights claimed thereunder.

Ans. X None other.

(Sign)

W. M. Young

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho City County of Bonnie State of Idaho, on this 9th day of August, A. D. 1961.

My commission expires _____

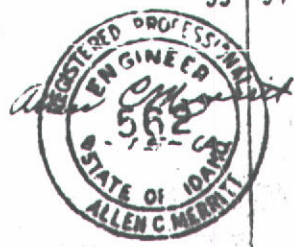
Frederick H. Rowley
Probate Judge of Bonnie
Idaho

Application

SEC. 33 SEC. 34

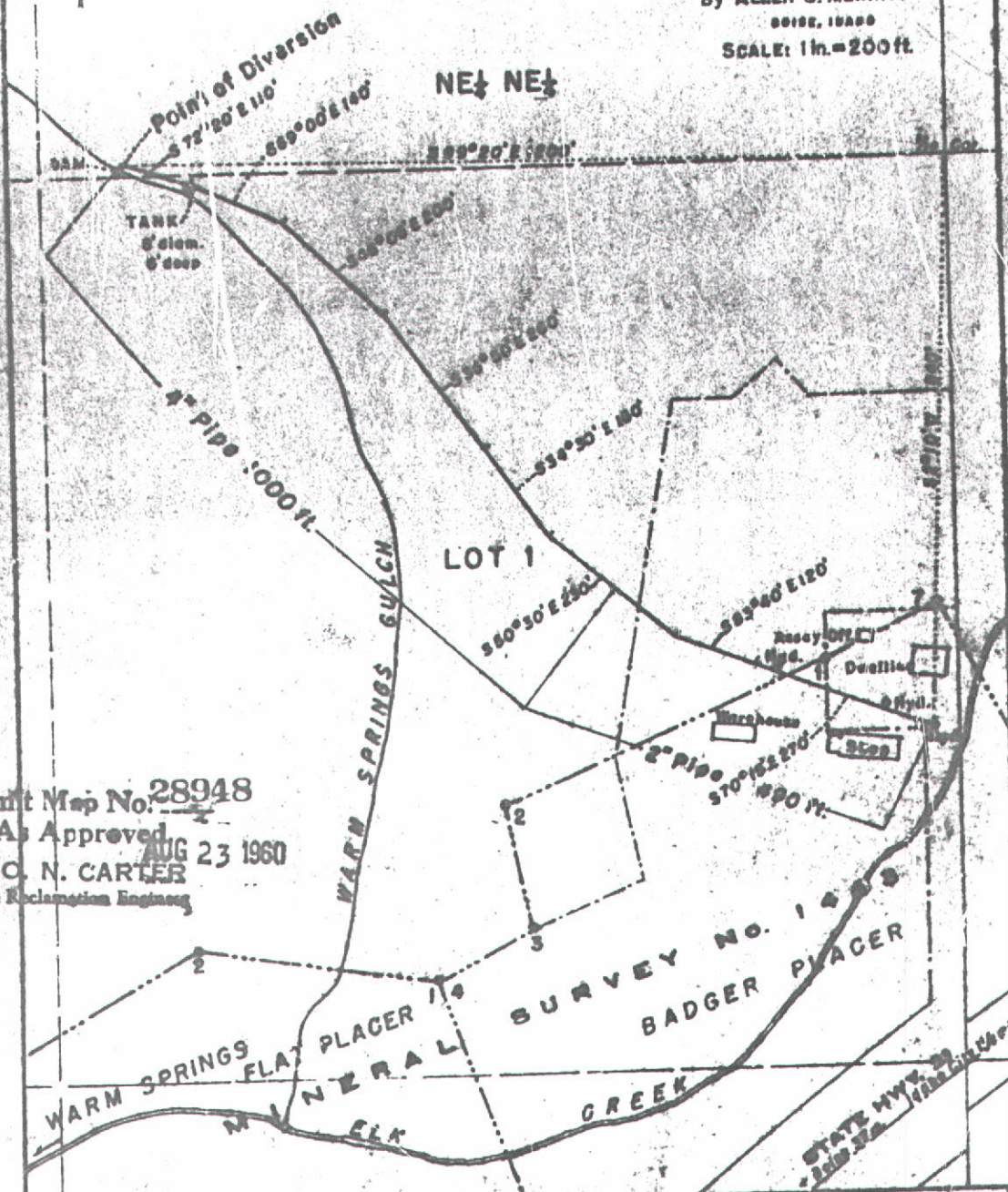
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MAP accompanying Application of
MILES M. YOUNG
For Permit to appropriate the Waters of
WARM SPRINGS GULCH
In NE 1/4 of Section 33, T. 6 N., S. E., B.M.
BOISE COUNTY, IDAHO



Surveyed July 13, 1960
By ALLEN C. MERRITT
BOISE, IDAHO
SCALE: 1 in. = 200 ft.

Permit Map No. 28948
As Approved AUG 23 1960
GEO. N. CARTER
State Reclamation Engineer



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: A63-15447
Date Received: 5/19/1989
Receipt No: W002908
Received By: DE YTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES T. GAROUTTE 505-822-8808
Address: 5201 SAN FRANCISCO N.E.
ALBUQUERQUE, NM 87109
2. Date of Priority: DEC 31, 1935
3. Source: WARM SPRINGS CREEK Trib. to: ELK CREEK, TRIBUTARY TO MO
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	05E	33	SW	NE	NE		BOISE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.120		
FIRE PROTECTION	01/01	12/31	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) 4.00 A.F.A.

8. Total consumptive use is 4.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D\ 3 RESIDENTIAL USES, AND FIRE PROTECTION FOR 4

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	05E	33	SE	NE		FIRE	
			SE	NE		DOMEST	

A63-15447

Page 1

Date: 05/30/89

MICROFILMED

AUG 25 1994

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:

INDIVIDUAL WELLS SUPPLEMENT IN-HOUSE USE

14. Remarks:

SMALL ROCK DAM ACROSS WARM SPRINGS CREEK WITH 110' OF 4" I.D. PIPE TO CONVEY WATER TO A 2250 GALLON TANK. WATER IS CONVEYED TO PLACE OF USE WITH GALVANIZED IRON PIPE (1000' 4" I.D. AND 490' 2" I.D.) THE GALVANIZED IRON PIPE IS BURIED. (DESCRIPTION OF DIVERTING WORKS)

PLACE OF USE IS BADGER PLACER, U.S.M.S. 1483 AND LOT 1, ALL WITHIN SEC.33, T.6N, R.5E, B.M. (WHAT WOULD NORMALLY BE THE SW 1\4 NE 1\4). PRIORITY IS FOUNDED UPON DIVERSION AND APPLICATION TO BENEFICIAL USE AS OF 12\31\1935. A LICENSE WAS SUBSEQUENTLY OBTAINED TO DOCUMENT THE EXISTING USE HAVING A PRIORITY OF 8\17\60 TO .30 CFS, LICENSE 63-3213, ATTACHED. CLAIMANT, HOWEVER, DOES NOT RELINQUISH THE EARLIER PRIORITY. ATTACHMENTS: (1) MAP, PAGE 5 (2) AFFIDAVIT, PAGE 6 AND STATEMENT, PAGE 8.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

463-15447

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 A-3-89213Date Received 05/19/1989Receipt Number W002908

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 19 1989

Department of Water Resources
Western Regional Office

(505) 881-8408

(508) 821-7518

Phone (505) 822-8808

Please type or print clearly

1. Name of Claimant (s) Charles T. GaroutteMailing Address 5201 San Francisco N.E., Albuquerque, NM Zip 871092. Date of Priority (Only one (1) per claim) 12/31/19353. Source of water supply (a) Warm Springs Creek
which is tributary to (b) Elk Creek, tributary to Mores Creek4. a. Location of existing point of diversion is: Township 6N Range 5E Section 33,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of BoiseAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Small rock dam across Warm Springs
Creek with 110 ft. of 4 in. I.D. pipe to convey water to a 2,250 gallon
tank. Water is conveyed to place of use with galvanized iron pipe
(1,000 ft. 4 in. I.D. and 490 ft. 2 in. I.D.) The galvanized iron pipe
is buried.

MICROFILMED

AUG 25 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For 3 residential type uses purposes from 1-1 to 12-31 amount 0.12 or 3.6

For fire protection purposes from 1-1 to 12-31 amount 0.30 or 0.4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (cfs) and/or (b) 4.0 (acre feet)

8. Total consumptive use claimed is 4.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) domestic for 3 residential type uses and fire protection for 4 structures

10. Description of place of use: (see also the response to Question 14)

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	5E	33				D													
6N	5E	33				F													

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Boise

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
individual wells supplement in-house use or None ()

14. Remarks:
Place of use is Badger Placer, U.S.M.S. 1483 and Lot 1, all within Sec. 33, T.6N., R.5E., B.M. (what would normally be the SW1/4 NE1/4). Priority is founded upon diversion and application to beneficial use as of 12/31 1935. A license was subsequently obtained to document the existing use having a priority of 8-17-60 to 0.30 cfs, License 63-3212, attached. Claimant, however, does not relinquish the earlier priority. Attachments: (1) Map, page 5, (2) Affidavit, page 6 and Statement, page 8.

Last Name Garoutte Ident No. _____

Copies: White State, Yellow Amount

MICROFILME

AUG 25 1992

03213

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

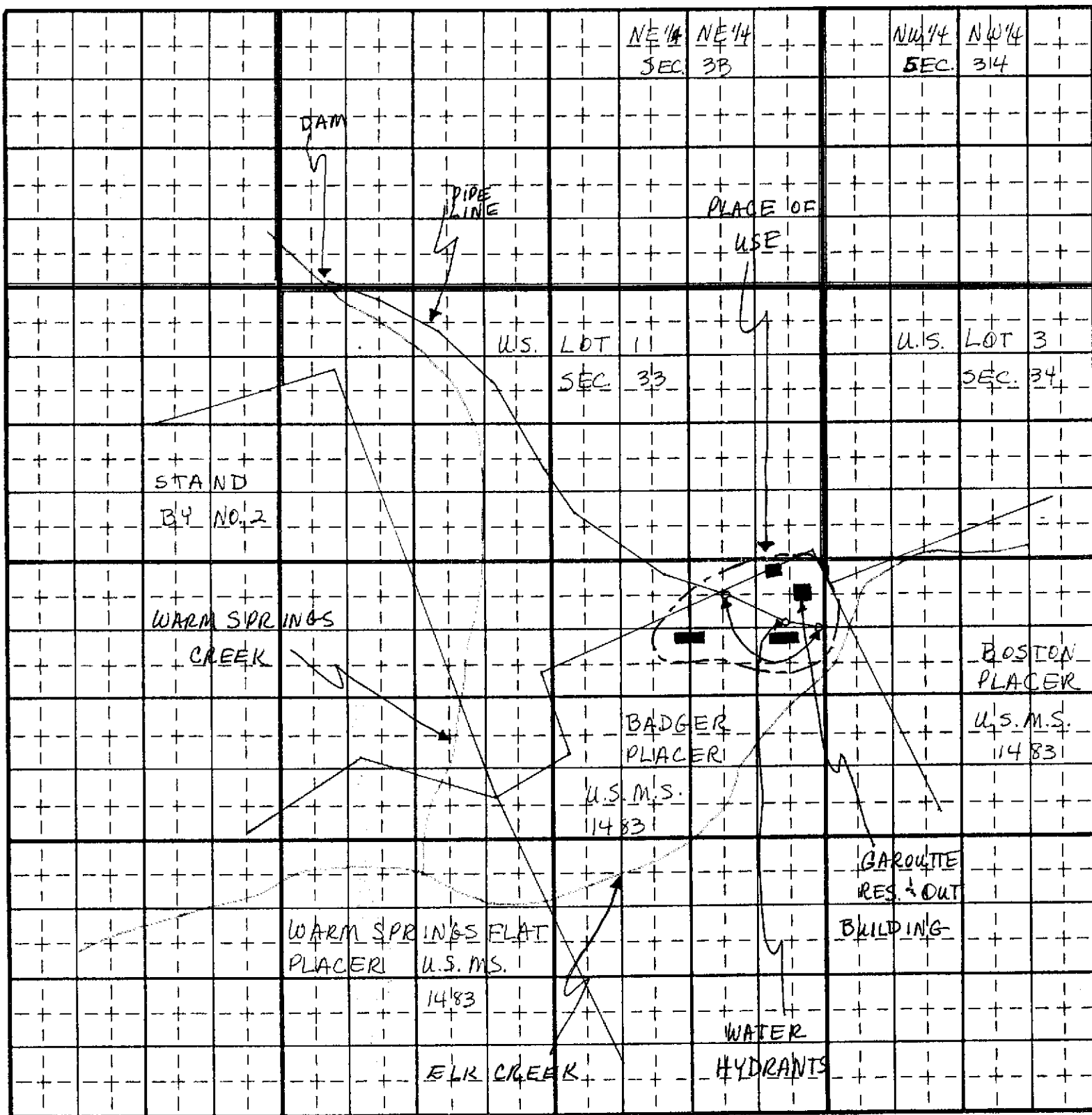
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: ~~2 inches equals 1 mile~~ 4 inches equals 1/4 mile



MICROFILMED

Last Name Garoutte

Ident No. _____

Copies: White-State, Yellow-State, AUG 25 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____ Obtained only to document use
If applicable provide IDWR Water Right Number 63-3213 (28948) without waiver of earlier
Court _____ Case Number _____ Decree Date priority
Plaintiff vs 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 X do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments three

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

William D. Collins
Attorney for Claimant

Date May 19 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Ada) SS.

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

SEAL

Notary Public

Ron Howerton

Residing at _____

Residing at Boise, Idaho

My Commission Expires December 8, 1994

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, William D. Collins will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address P. O. Box 2794, Boise, ID 83701

Date May, 1989

Last Name Garoutte Ident. Number _____

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Copies White-Side Yellow-Side
AUG 25 1992

TO SENDER

due 100

OF POSTAGE \$300

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PS FORM 3547



ADDRESS SERVICE
REQUESTED

WATER RESOURCES
REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83735

RECEIVED

NOV 06 2002

WATER RESOURCES
WESTERN REGION

POSTAGE DUE 704

GAR0700 871232020 1602 03 10/28/02
FORM 3547
GAROUTTE
4508 LOS POBLANOS CIR NW
ALBUQUERQUE NM 87107-5555



CHARLES GAROUTTE
700 AUTUMNWOOD PLACE SE
ALBUQUERQUE NM 87123

63-15447

Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
Attempted delivery
No such address
Temporarily away
Vacant
Refused

RECEIVED
OCT 15 2002

Department of Water Resources

CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE NM 87109

63-15447

Current address
found for Garoutte.
SEE ATTACHED



RECEIVED
OCT 22 2002
WATER RESOURCES
WESTERN REGION

Are your child's GRADES what you hoped?

eSYLVAN™

- Select One -

Click Here



can't find yourself
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add your FREE listing here! >> 



63-15447

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Garoutte, Charles and Eve

700 Autumnwood Place SE

Albuquerque, NM 87123

505-298-8041

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Garoutte, Charles and Eve

4608 Los Poblanos Circle NW

Albuquerque, NM 87107

505-345-9849

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[More Info On Charles and Eve Garoutte](#)

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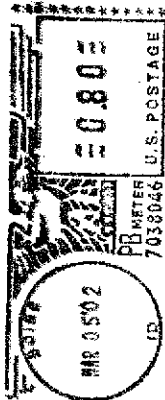
[find person](#)

STATE OF IDAHO
DEPT. OF LAND & WATER RESOURCES
BUREAU OF LAND SURVEY
2735 AIRPORT BLVD.
BOISE, IDAHO 83735

ADDRESS SERVICE
REQUESTED



ATTEMPTED
NOT KNOWN

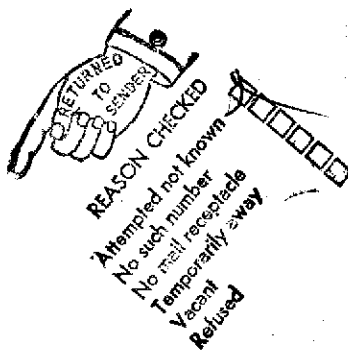


63-15447

RECEIVED

APR 02 2002

WATER RESOURCES
WESTERN REGION



CHARLES T GAROWITTE
ALBUQUERQUE NM 87109

Bigfoot Search

700 Autumnwood Pl. SE
Albuquerque NM
87123

Lent again 4.3.02

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in the directory?

[add your FREE listing here! >>](#)

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Find Person: CHARLES GAROUTTE

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Listings 1-1 of 1

Garoutte, Charles and Eve
700 Autumnwood Place SE
Albuquerque, NM 87123
505-298-8041

[Did you go to school with Charles Garoutte?](#)
[Search public records.](#)
[Click Here to Send Flowers!](#)



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Flowers.](#)



[Search
Personals.](#)



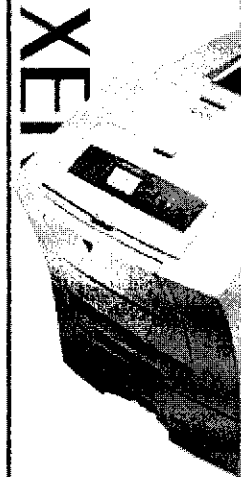
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distance.](#)

[More Info On Charles and Eve Garoutte](#)

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15447 V1

WATER RIGHT NUMBER: 63-15447 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES T GAROUTTE 5201 SAN FRANCISCO NE ALBUQUERQUE, NM 87109 (505)822-8808

Priority Date: 12/31/1935

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS GULCH	ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	01/01 to 12/31	0.300 CFS	
DOMESTIC	01/01 to 12/31	0.080 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

WARM SPRINGS GULCH	SW1/4NE1/4NE1/4	Sec. 33, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	33				X													

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	33				X													

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15447 V1

2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. sbock 1/1/2002 EXAM
Comment: FIELD EXAM BY MARIA M

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-15447

1. No Change NAME IS SAME

NEW OWNER: Katherine + William Wise

No Change ADDRESS

NEW ADDRESS: 3746 Highway 21, Idaho City 83716-4236

MAIL
RETURNED
No Cgo
REC'D

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: 12/31/1935

(If the priority date, based on your exam, seems questionable, explain below.)

Evidence supports this date. License (63-3213)
issued many years after development of the right.

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 _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

Field exam did not verify POB or delivery system.
Mr. Genamy (neighbor) indicated dam in stream to tank
to buried pipeline. Buried line dug up 2 1/2 years ago
by Wise's.

6. No Change - WATER USES
Different uses, (list uses found):

Use Dom From 1/1 To 12/31 Amount .02 CFS AFA
Use Fire Protection From 1/1 To 12/31 Amount .20 CFS AFA
Use _____ From _____ To _____ Amount _____ CFS AFA

.20 TOTAL

7. No Change - TOTAL VOLUME

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

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

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: 1 Stock # _____ List types: _____

Additional comments: Dom for original home (Miles + ~~Young~~ Elizabeth Young) only.

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

Licensing exam for this property (63-3213) found 2 homes, fire protection, & inc of 1/2 acre around the original home. This claim represents the original home - dom use includes 1/2 acre irrigation. Unknown when additional homes were added - not found

SYSTEM DIAGRAM INCLUDED

NA

during field exam. Fire protection reduced to

Shown on GIS Layout

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 12/11/2001

accommodate

Accompanied on
field exam by
Tom Geary,
Neighbor.

FIELD EXAMINER:

MARIA TINICUCCI

Print Name

[Signature]
Signature

63-03213A,
2nd dom
found by
licensing
field
exam.

DATE: 12/24/01
PAGE: 12

DIVERSION RATE DIVERSION VOLUME

OK leave
with 3A13A+B
since this is
based on Blu.
Die Prot. will be
a 1 time use.

BOISE County

```
SE      SWSE      SESE
C Lt AC Lt AC
- - - - -
```

```
SE      SWSE  SESE
:      :      :
: Lt AC Lt AC
:      :      :
```

Other Rights: Individual Wells Supplement In-House Use

PLACE OF USE IS BADGER PLACER, U.S.M.S. 1483 AND LOT 1, ALL WITHIN SEC.33, T.6N, R.5E, B.M. (WHAT WOULD NORMALLY BE THE SW 1/4 NE 1/4). PRIORITY IS FOUNDED UPON DIVERSION AND APPLICATION TO BENEFICIAL USE AS OF 12/31/1935. A LICENSE WAS SUBSEQUENTLY OBTAINED TO DOCUMENT THE EXISTING USE HAVING A PRIORITY OF 8/17/60 TO .30 CFS, LICENSE 63-3213, ATTACHED. CLAIMANT, HOWEVER, DOES NOT RELINQUISH THE EARLIER PRIORITY. ATTACHMENTS: (1) MAP, PAGE 5 (2) AFFIDAVIT PAGE 6 AND STATEMENT, PAGE 8.

Field Inspection Flag:
Presumption Flag:

20 samples

State of Idaho License and Certificate of Water Right

Water License No. 28948

Amount 30 c.f.s.

Water District No.

Priority Aug. 17, 1960

THIS IS TO CERTIFY that MILES M. YOUNG of Idaho City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 17, 1960; that Permit No. 28948 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .30 second feet, was issued thereunder on December 8, 1961, showing that said works were completed on the 9th day of August, 1961; and that on the 9th day of August, 1961,

MILES M. YOUNG

of Idaho City, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Warm Spring Gulch, a tributary of Elk Creek, for the purpose of domestic, fire protection, lawn irrigation

, under Use Permit No. 28945 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7225, on the 8 day of December, 1961;

The right hereby confirmed dates from August 17, 1960;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 33, Tp. 6 N., R. 5 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .30 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	5 E.	33	SE 1/4 (Lot 1)	For Domestic, fire protection and lawn irrigation purposes	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15447

WATER RIGHT NUMBER: 63-15447

Owner Type
Current Owner

Name and Address

CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE, NM 87109
(505)822-8808

Field exam 12/11/2001

Accompanied by

Tom Geramy, neighbor
& long time resident

Priority Date: 12/31/1935

Basis: Beneficial Use

Status: Active

Source

WARM SPRINGS CREEK

Tributary

ELK CREEK

Now
Wise, Katherine & William, per law
Possibly in bankruptcy now

Beneficial Use	From	To	Diversion Rate	Annual Volume
FIRE PROTECTION	1/01	to 12/31	0.300 CFS	
DOMESTIC	1/01	to 12/31	0.120 CFS	
Total Diversion:			0.300 CFS	4.00 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK
BOISE County

SW1/4NE1/4NE1/4

Sec. 33, Twp 06N, Rge 05E, B.M.

NOT VERIFIED during Field exam

Licensing exam locates POD @

~~WARM SPRINGS CREEK~~
just on N side of RR line.

Place of Use

FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
06N 05E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													

12/18/2001: GCOB must be rectified to determine POD.

DOMESTIC

May overlap into S34 SWNW.

No changes since orig. license - inaccurate

Twp Rge Sec	NE				NW				SW				SE				Totals
06N 05E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													

Mapping

Conditions of Approval:

Remarks:

SPLITS

A63-15447 (original home site)

A63-03213A (2nd home, noted
on field exam but
not application)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15447

1. General SMALL ROCK DAM ACROSS WARM SPRINGS CREEK WITH 1 10' OF 4" I.D. PIPE TO CONVEY WATER TO A 2250 GALLON TANK. WATER IS CONVEYED TO PLACE OF USE WITH GALVANIZED IRON PIPE (1000' 4" I.D. AND 490' 2" I.D.) THE GALVANIZED IRON PIPE IS BURIED. (DESCRIPTION OF DIVERTING WORKS) PLACE OF USE IS BADGER PLACER, U.S.M.S. 1483 AND LOT 1, ALL WITHIN SEC.33, T.6N, R.5E, B.M. (WHAT WOULD NORMALLY BE THE SW 1/4 NE 1/4). PRIORITY IS FOUNDED UPON DIVERSION AND APPLICATION TO BENEFICIAL USE AS OF 12/31/1935. A LICENSE WAS SUBSEQUENTLY OBTAINED TO DOCUMENT THE EXISTING USE HAVING A PRIORITY OF 8/17/60 TO .30 CFS, LICENSE 63-3213, ATTACHED. CLAIMANT, HOWEVER, DOES NOT RELINQUISH THE EARLIER PRIORITY. ATTACHMENTS: (1) MAP, PAGE 5 (2) AFFIDAVIT, PAGE 6 AND STATEMENT, PAGE 8.

Dates and Other Information:

Claim Received Date: 5/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SRBA Claim Number A63-15447

Date of Photos 12/11/2001

Photographer T. Minicucci

Legal Description T6NRSE33 R SENE

① Place of use.

White building may
be old shop building
from mining
company. Photo taken
from road on
north side of property.



② Place of use.

Low white building
is original domestic
dwelling, per Tom
Geramy (neighbor).

Photo taken from
road on north
side of property.



12/11/2001

Tom Gerany

Water line ripped up $\approx$ 5 years

Tom Gerany

POB 1382

Boise 83701

PHOTO 1 + 2

Hydrant @ end (now) of water line

White house belongs to Tippet,

previously R.M. Johnson Trust

3

White bldg - purple trim

A shop noted on 1961 exam per T. Gerany

4

Original dwelling per T. Gerany

5

2nd dwelling noted on field exam 1961?

Worker house per T. Gerany

6.

GPS meas. location "MYHYDR"

(Tippet Home may
be 2nd home)

Water line previously ran through Tippet's, X 50' ROW,
through wise property.

Stub to employee housing + on up to other
properties, Gerany + others.

Line now broken @ hydrant "MYHYDR", Current
owners would like to run it along 50' ROW (road)
to reconnect fire protection to those properties.
Orig dwelling still on prop. (shop). Warehouse torn down?

* Send claim forms + instructions

PHOTO 7 : IC Hist Soc POD

GPS meas. location "ICHIST"

11/26/01

PMO100 - PARCEL MASTER INQUIRY

10:49:59

PARCEL: RP 06N05E331865-A F1=SL F10=SW F12=RC F14=HO

*TREN

LEGAL DESCRIPTION

WISE, WILLIAM & KATHERINE

T6N R5E SEC 33
 PARCEL IN M.S.1483 OR PTN OF
 TAX 315
 (COMBINATION OF 1856 & 1870)

3746 HWY 21

IDAHO CITY ID 83716-4236
 3746 HWY 21

F3=Exit F5=Refresh F12=Cancel

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	1998	6960	AC	35088				
34	1998			71504	71504	35752		

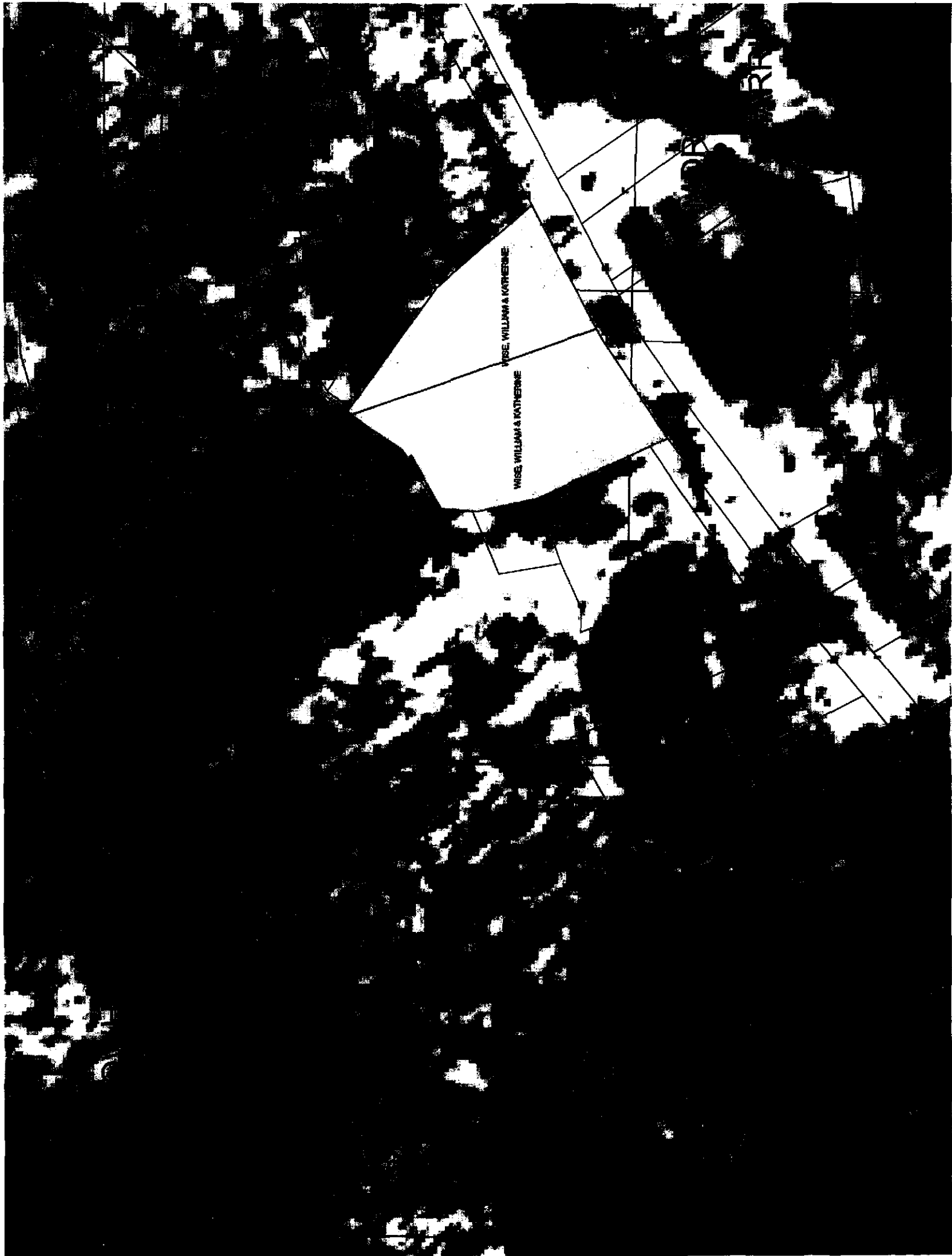
TOTALS 6960 106592 71504 35752

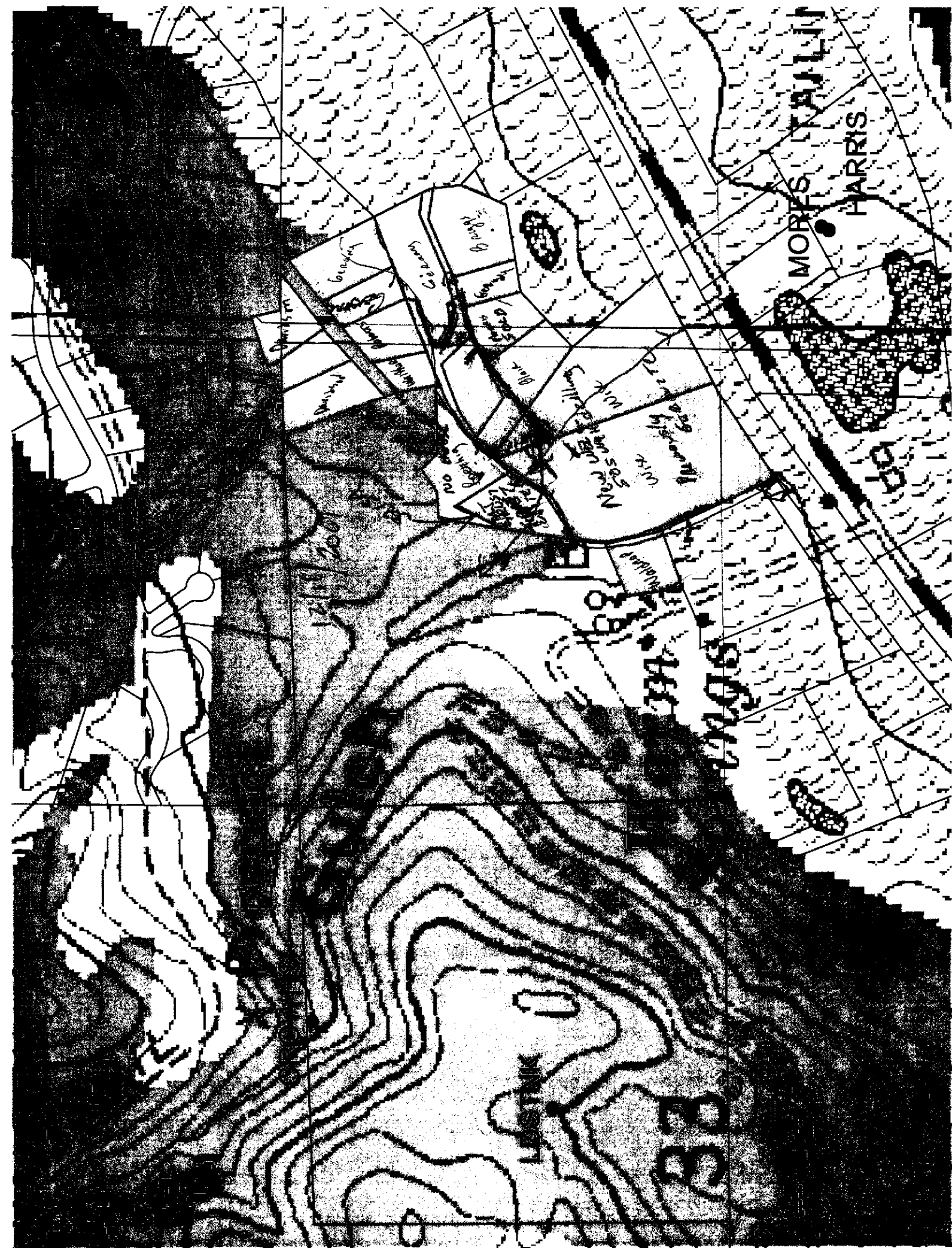
ENTER NEXT PARCEL NUMBER RP _____ A

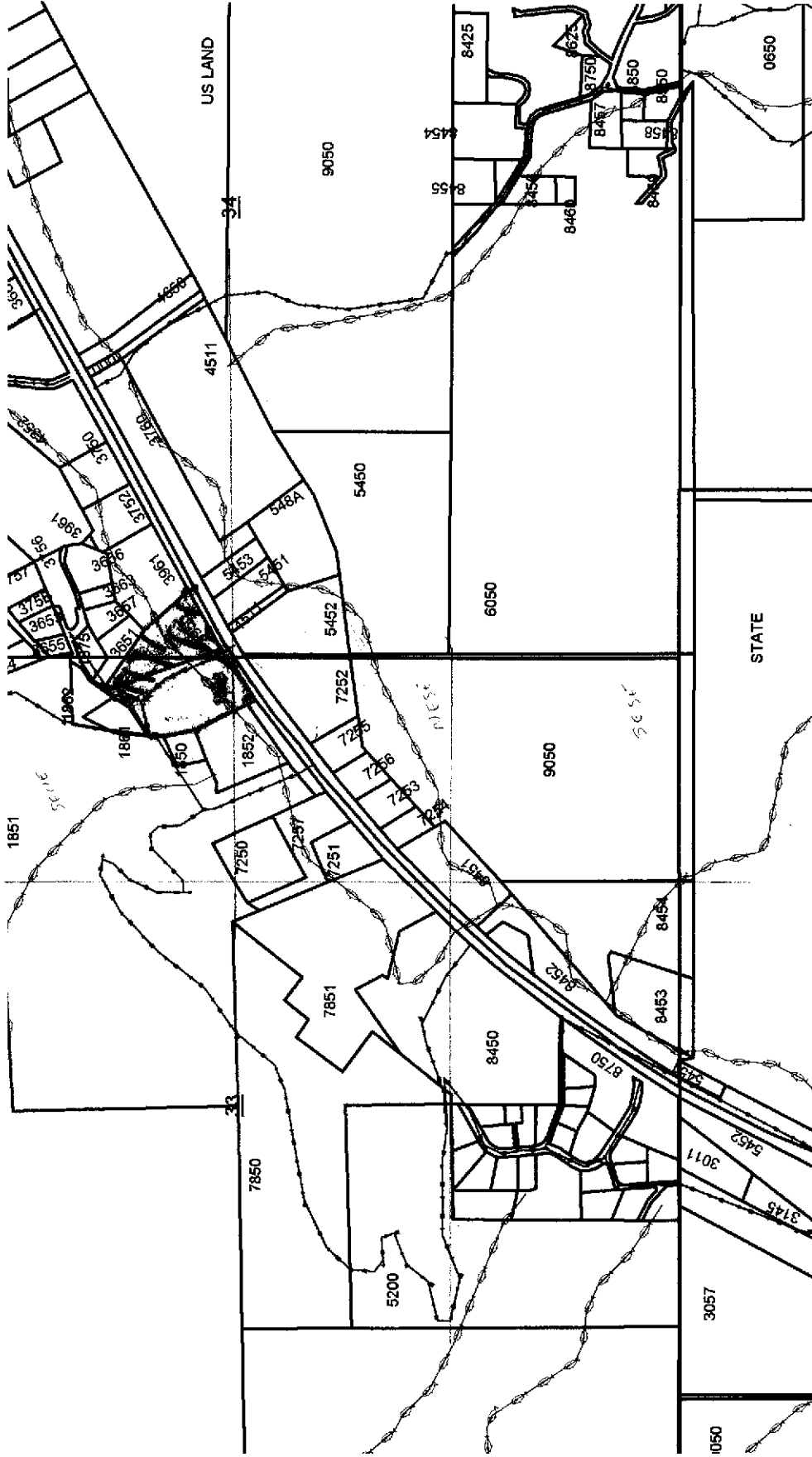
FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

392-9730

12/18/2001 : Parcel Returned







1851 = ... (from Grove 1994)
 1852 = ... New Robert M Johnson?
 1853 = ...
 1854 = ...
 1855 = Donald Waldoop

? RMS Trust Claim
 A63-03213



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

CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE, NM 87109

Re: Claim No(s). 63-15447

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No 28948

This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Miles M. Young2. Source of water supply: Warm Springs Gulch3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33T. 6 N R. 5 E.B.M. County of Boise

4. Describe works as they exist, giving dimensions and capacities of same: Concrete check dam 4'x14'x6" with 100'x4" plastic pipe to a wood stave storage tank 8'dia by 6'high (2000 gallon capacity, then to 1000'x4" steel pipe reduced to 490'x3" steel pipe main - 3-2" outlets for fire hydrants with hoses attached to two upper, lower outlet is left open to keep line from freezing - 3- $\frac{3}{4}$ " laterals to residences and 1-2"x100' lateral for lawn sprinkler system.

5. Water is used for: domestic and fire protection and irrigation of lawn6. State whether or not water has been turned into works of diversion: YBS.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 33., Twp. 6 N., Rge. 5 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. Young along

Used discharge from 2 lower hydrants for measurement.

Middle hyd. = 20 gpl per 15 seconds = 80 gpm

Lower hyd. 20 gal in 24 seconds = 50 gpm

9 $\frac{130}{14.44}$ inches or 28 cfs

This examination was made on the 30 day of November, 1961

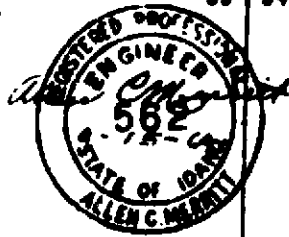
(Signed) Layne Johnson Examiner.

License
Field
EXAM

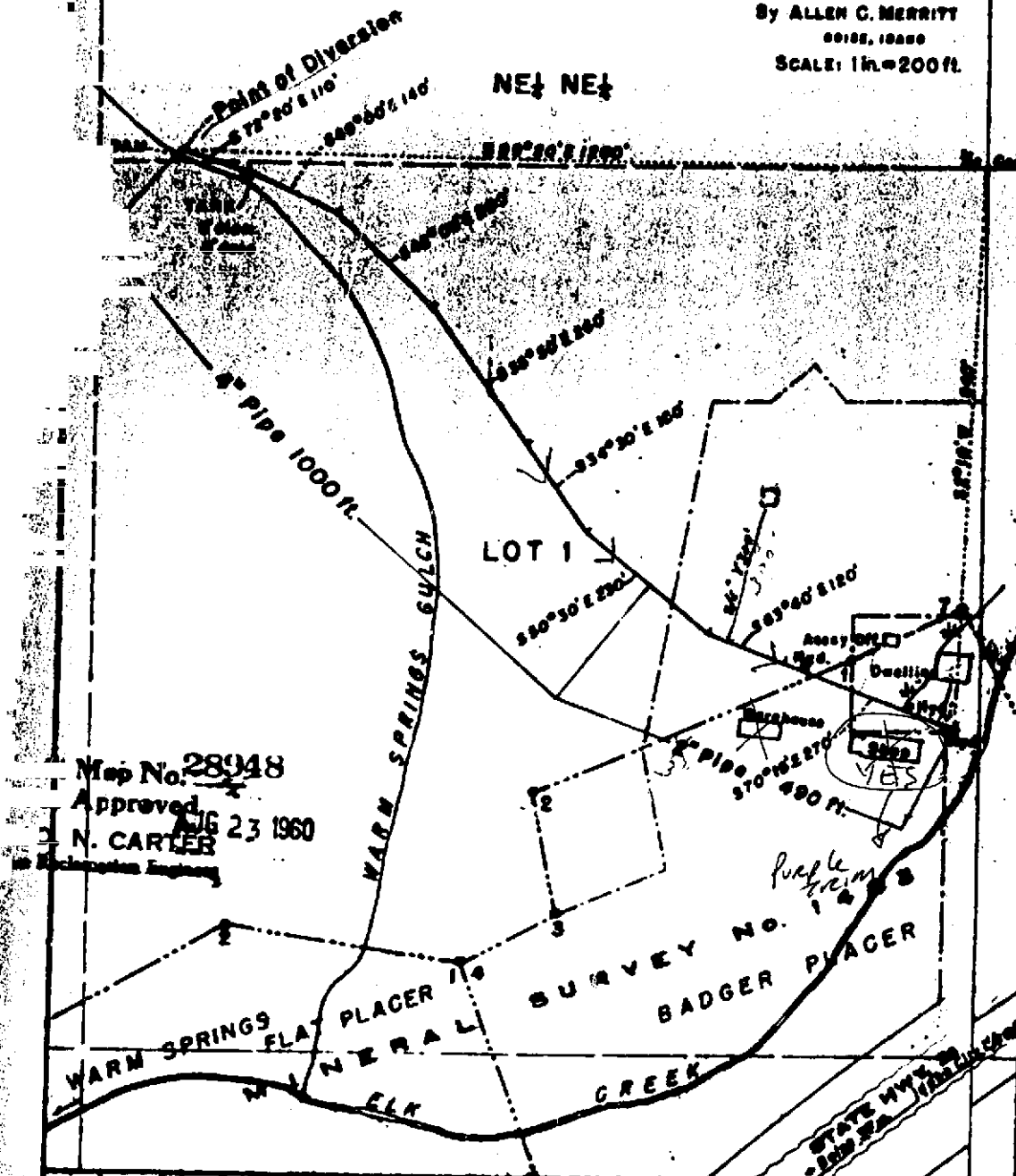
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

SEC. 33 34

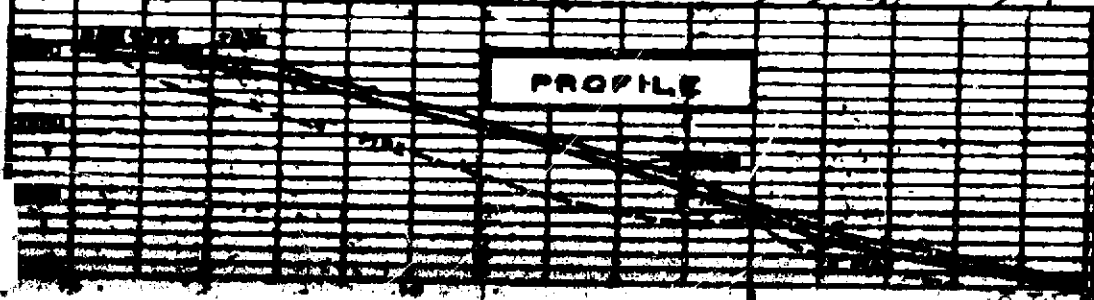
MAP accompanying Application of
MILES M. YOUNG
For Permit to appropriate the Waters of
WARM SPRINGS GULCH
in NE 1/4 of Section 33, T. 6 N., R. 6 E., S. 1 M.
BOISE COUNTY, IDAHO



Surveyed July 13, 1960
By ALLEN C. MERRITT
BOISE, IDAHO
SCALE: 1 in. = 200 ft.



Map No. 28948
Approved AUG 23 1960
N. CARTER
Reclamation Engineer



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 10 1961

Department of Reclamation

Permit No. 28948

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and mailing address.

Ans. Wiles M. Young, Mining, Idaho Other Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Personal

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 28948, Dated Aug. 23, 1960. Priority Date Sept 8-17-60

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Warm Springs Gulch a tributary of Mores Creek.

Location: N. 89° 20' W., 1200 ft. distant from the SE corner of NE 1/4 of Section 33 Twp 6N, Rge 5E, B.M. and is in the same.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Concrete Dam, Storage Tank and Pipe Line equipped with three, 2 inch hydrants plus three 3/4 inch distribution pipe lines.

Amount of water conveyed (0.6) cubic feet per second.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each sub-division in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic, lawn water 1/2 acre more or less, fire protection for dwelling, shop & warehouse buildings and garage.

in NE 1/4 Sec. 33, T. 6N. - R. 5E, B. 1

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. X Three 2 inch fire hydrants located at suitable points for fire protection have been in use continually, and the water has also been applied for yard purposes and for domestic use at the dwellings involved.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. X 0.6 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. X I am the original person.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Continuous use since 1910 for the same property, repairs, replacement and improvements have been made.

Ques. 11. State when, how, in what amount and to what extent water other than that diverted under the above mentioned permit have been diverted and applied to beneficial uses. State the kind of use, giving full particulars as to kind, extent, location and other matters that may be pertinent. None other.

(Sign)

William M. Young

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho City County of Boise

State of Idaho, on this 9th day of August, A. D. 1961.

My commission expires _____

Frederick H. Hawley
Probate Judge of Boise
County, Idaho

11/30/2001

Miles Young property T. Gerany

Homeowners group: loose group of home owners.

Warm Springs Resort, next left. New concrete bridge
Follow main road to Gerany's
Cabin, 2 story

392 9577: Call before leave

Rescheduled to 12/11/2001 9:00 am

11/29/2001

Katherine + William Wise

392-9730 : Disconnected

Roethig, Mary Jane + Waldemar
375-4587

Lot 1 (w/house)

Someone new owns wise's property?
Up for auction?

Tom Jeremy? Geranie? Gerany
Lives in Idaho City + Boise
Two homes (mother's and his own)

Boise 4617 W. Rosehill 83705 342-7277
IC 364 12037

→ left msg on machine @ 11:50 am.

← 11/30/2001 9:30

Tom Gerany

Garouze bought Miles Young property

Subdivided by Young

Carole Briggs lives in area. 45 years. Knows
y Maxine property + its development

Bill Tidwell previous owner of one of the properties
Miles Young home now Wise, in bankruptcy.

ADJUDICATION MEMORANDUM

CLAIM NO.: 463-15447

SUBJECT: Ownership

EMPLOYEE: R. R. Wicucci

DATE: 11/5/2001

Wm D Collins 336-5200

516 W Franklin

~~11/14/01~~ 4:22 pm : Rowe → 1st new owner

Mr. Collins will make calls (to neighbors) to find out
new owner's name, then call us back.

11/07/2001 4:00pm Returned Mr. Collins' call

Galovite → Grove → Wise

Wise may or may not still own it.

Previously residence of Miles Young.

"Steamboat Trail Rides"

X small wooden trestle bridge = property

≈ 100 yds small wood house - hip roofed. Residence

Old mining co. safe is still in house.

11/26/01 Boise County Assessor (Vicki Traver)

Wise bought property from Grove in 1994.

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-15447

Contact Person Charles Garovito (505) 822-8808 (New Mexico)

Date/Time of Exam

IDWR Employee/Agent *nnwicc*

Directions to Property N of Warm Springs Resort.
 Diversion is above Resort's diversion

Info to determine measurement method

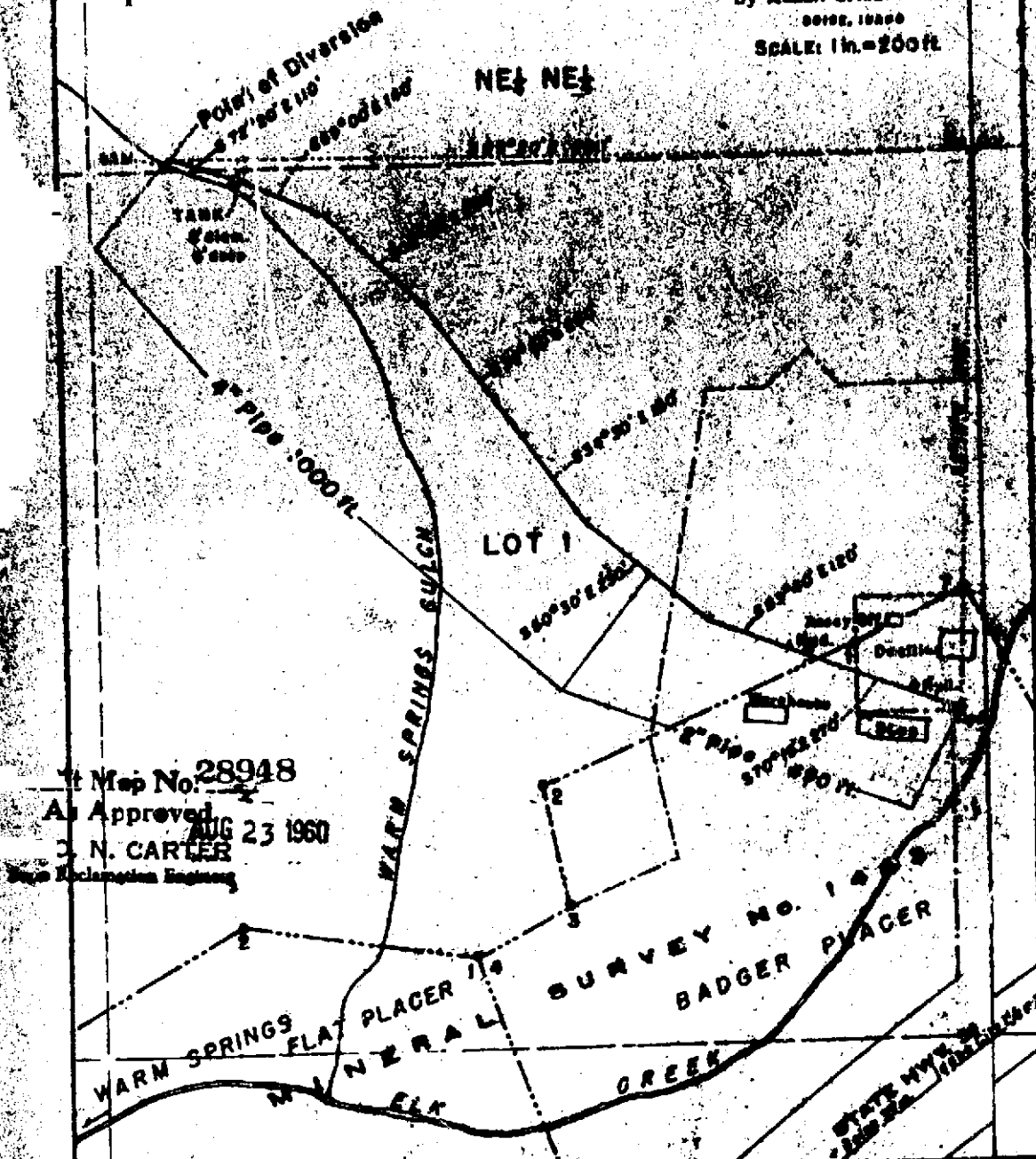
Miscellaneous Attorney did not sign Notice of Appearance
9/21/2001 : left msg on claimant's (Garovito) answering machine

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MAP accompanying Application of
MILES M. YOUNG
For Permit to appropriate the Waters of
WARM SPRINGS GULCH
in NE 1/4 of Section 33, T. 8 N., S. E., B.M.
BOISE COUNTY, IDAHO



Surveyed July 13, 1960
By ALLEN C. MERRITT
20100, 10000
SCALE: 1 in. = 200 ft.



Map No. 28948
As Approved
AUG 23 1960
N. CARTER
State Reclamation Engineer



(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Miles V. Young

Applicant.

By _____

3/ Alban C. Harrlett

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. August 17, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28948

Recorded in Book 102 Page 25948 Approved August 23, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$_____ to be filed on or before _____

Work to begin on or before October 23, 1960 and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 23, 1961

The whole of said work to be completed on or before August 23, 1961

Beneficial use of water appropriated in accordance herewith, to be made on or before August 23, 1961

WITNESS My hand this 23rd day of August, 1960

s/ GEO. N. CARTER

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE..... ROBERT S. SMYLIE

Governor of the State of Idaho.

and **ARNOLD WILLIAMS**

Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd

day of August, 19 60

STATE OF IDAHO

Countersigned:

(SEAL)

PAULA L. FLEENOR

By s/ ROBERT S. SAYLIE

Göbner.

DEPUTY Secretary of State.

14. **REMARKS:** Applicant is the owner of the land and buildings situated on lot 1 of Section 33, T. 6 N., R. 5 E. P.M., and on a portion of the Ranger Placer Mining Claim, U.S. Mineral Survey No. 1483, patented. The works described in this application and shown on the map herewith were fully constructed and the water diverted and used for beneficial purposes: to-wit: domestic water supplies to the dwelling, shop and three 2-inch fire hydrants and for sprinkling the lawn about the dwelling continuously since 1920.

Twp.	Range	Sec.	NE ¹ ₄	NW ¹ ₄	SW ¹ ₄	SE ¹ ₄	Totals
			NE ¹ ₄ NW ¹ ₄ SW ¹ ₄ SE ¹ ₄	NE ¹ ₄ NW ¹ ₄ SW ¹ ₄ SE ¹ ₄	NE ¹ ₄ NW ¹ ₄ SW ¹ ₄ SE ¹ ₄	NE ¹ ₄ NW ¹ ₄ SW ¹ ₄ SE ¹ ₄	
6 N	5 E	33	Lot 1 -- $\frac{1}{4}$ ac				$\frac{1}{4}$ acre
			Permit No. 28948 Certificate of Completion of Works				
TO ALL WHOM IT MAY CONCERN:							
This is to certify that MILES M. YOUNG of Idaho City, County of Boise, and State of Idaho, the holder of Permit No. 28948, issued upon Application No. 36934, bearing date of priority of August 17, 1960, authorizing the diversion of 0.6 second feet of waters of Warm Springs Gulch, County of Boise, State of Idaho, for domestic, fire protection & irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diversion and conveying to the place of intended use .30 second feet of the waters of Warm Springs Gulch, tributary of Elk Creek, at the point of diversion of said water NE ¹ ₄ NE ¹ ₄ , Sec. 33, T. 6 N., R. 5 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:							
For domestic, fire protection & lawn irrigation in Lot 1 (SE ¹ ₄ NE ¹ ₄) Sec. 33, T. 6 N., R. 5 E., B. M.							
Witness my hand this 8th day of December A. D. 1961.							
s/ RALPH W. THOMAS, Deputy State Reclamation Engineer							
Proof of Completion of Works Made: August 9, 1961							

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

KATHERINE WISE
WILLIAM WISE
3740 HIGHWAY 21
IDAHO CITY, ID 83716-4236

RECEIVED

DEC 18 2001

WATER RESOURCES
WESTERN REGION

83705-5082

83705-5082



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

KATHERINE WISE
WILLIAM WISE
3746 HIGHWAY 21
IDAHO CITY ID 83716-4236

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. **A63- 15447**

Dear Ms. And Mr. Wise,

This office has been advised you may be the new owner of the property with the water right referenced above. Enclosed is a profile report for your review.

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions attached to the form and return to this office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci

Enc.



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

KATHERINE WISE
WILLIAM WISE
3746 HIGHWAY 21
IDAHO CITY ID 83716-4236

RE: Snake River Basin Adjudication (SRBA)
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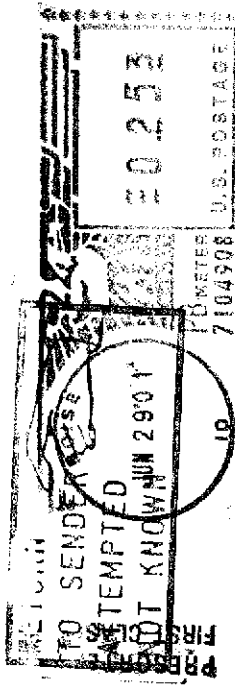
Sincerely,

Maria Minicucci

Enc.

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED



63-15447

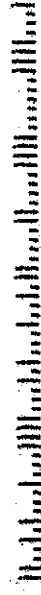
CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE, NM 87109

RECEIVED

AUG 20 2001

WATER RESOURCES
WESTERN REGION

✓ - Boise County
Assessor



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

Quest:

700 Autumn Wood PL SE
Albuquerque NM 87123
(505) 298-8041

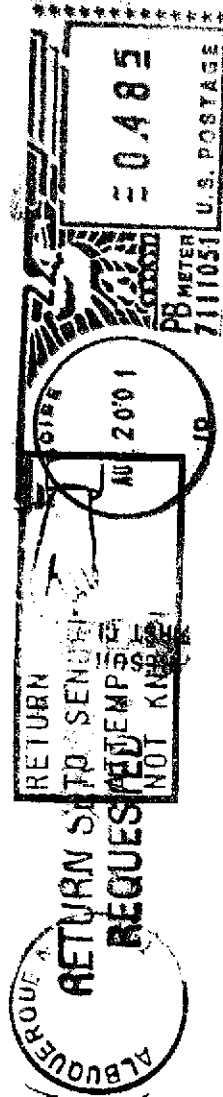
CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE, NM 87109

Re: Claim

RECEIVED

SEP 04 2001

WATER RESOURCES
WESTERN REGION



AUMS 83705-5082

63-15447



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

OCT 01 2001

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

CHARLES T GAROUTTE
5201 SAN FRANCISCO NE
ALBUQUERQUE, NM 87109

Re: Claim No(s). 63-15447

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

*This property
was sold on the Court House
I have steps 6 years ago
no knowledge of Pochosder*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15447

WATER RIGHT NUMBER: 63-15447

Owner Type Name and Address
 Current Owner CHARLES T GAROUTTE
 ~~5281 SAN FRANCISCO NE~~
 ALBUQUERQUE, NM 87109
 (505)822-8808

4200 BOGON NE

Priority Date: 12/31/1935
 Basis: Beneficial Use
 Status: Active

Source Tributary
 WARM SPRINGS CREEK ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	1/01 to 12/31	0.300 CFS	
DOMESTIC	1/01 to 12/31	0.120 CFS	
	<u>Total Diversion:</u>	0.300 CFS	4.00 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK SW1/4NE1/4NE1/4 Sec. 33, Twp 06N, Rge 05E, B.M.
 BOISE County

Place of UseFIRE PROTECTION Within BOISE County

T06N R05E S33 SENE

Total Acres: 0

DOMESTIC Within BOISE County

T06N R05E S33 SENE

Total Acres: 0

Conditions of Approval:Remarks:

- General SMALL ROCK DAM ACROSS WARM SPRINGS CREEK WITH 110' OF 4" I.D.^^^ PIPE TO CONVEY WATER TO A 2250 GALLON TANK. WATER IS CONVEYED TO PLACE OF USE WITH GALVANIZED IRON PIPE (1000' 4" I.D. AND 490' 2" I.D.) THE GALVANIZED IRON PIPE IS BURIED. (DESCRIPTION OF DIVERTING WORKS) PLACE OF USE IS BADGER PLACER, U.S.M.S. 1483 AND LOT 1, ALL WITHIN SEC.33, T.6N, R.5E, B.M. (WHAT WOULD NORMALLY BE THE SW 1/4 NE 1/4). PRIORITY IS FOUNDED UPON DIVERSION AND APPLICATION TO BENEFICIAL USE AS OF 12/31/1935. A LICENSE WAS SUBSEQUENTLY OBTAINED TO DOCUMENT THE EXISTING USE HAVING A PRIORITY OF 8/17/60 TO .30 CFS, LICENSE 63-3213, ATTACHED. CLAIMANT, HOWEVER, DOES NOT RELINQUISH THE EARLIER PRIORITY. ATTACHMENTS: (1) MAP, PAGE 5 (2) AFFIDAVIT, PAGE 6 AND STATEMENT, PAGE 8.^^^

State of Idaho

License and Certificate of Water Right

Water License No. 28948

Amount .30 c.f.s.

Water District No.

Priority Aug. 17, 1960

THIS IS TO CERTIFY that MILES M. YOUNG
of Idaho City, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 17, 1960; that Permit No. 28948
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.30 second feet, was issued thereunder on December 8, 1961, showing that said works
were completed on the 9th day of August, 1961; and that on the 9th
day of August, 1961,

MILES M. YOUNG

of Idaho City, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Warm Spring
Gulch, a tributary of Elk Creek, for the purpose of domestic, fire protection, lawn irrigation
under Use Permit No. 28948 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7225, on the 8 day of December, 1961;

The right hereby confirmed dates from August 17, 1960;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 33, Tp. 6 N, R. 5 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed .30 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	5 E	33	SE 1/4 NE 1/4 (Lot 1)	For Domestic, fire protection and lawn irrigation purposes	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of December, 1961.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

MICROFILMED

AUG 25 1992

63 3213

SEC.	SEC.
33	34

A circular professional seal for Allen C. Merritt, a Registered Professional Engineer in the State of Idaho. The seal contains the text "REGISTERED PROFESSIONAL ENGINEER", "STATE OF IDAHO", and "ALLEN C. MERRITT". The license number "562" is prominently displayed in the center, with "15-CR" written below it. The word "Office" is written in cursive across the seal.

Point of Diversion
S 72° 20' E 110'
S 66° 00' E 140'
S 89° 20' E 1200'

NE ¼ NE ¼

SCALE: 1 in. = 200 ft.

TANK
8' diam.
6' deep

4" Pipe 1000 ft.

WARM SPRINGS GULCH

LOT 1

546° 05' E 200'
S 35° 50' E 260'
S 34° 30' E 160'
S 50° 30' E 230'

Assay Off.
Hd.
Dwelling
Warehouse
Shop

2" Pipe 570° 15' E 270'
570° 15' E 270'
570° 15' E 270' 490 ft.

2
3
4

SURVEY NO. 14
BADGER PLACER

WARM SPRINGS FLAT PLACER
MINERAL ELK CREEK

STATE HWY. 21
8012-3720

PROFILE

4" PIPE

Surface

Page 5
MICROFILMED
AUG 25 1992

AFFIDAVIT

STATE OF IDAHO)
 : ss.
County of Ada)

ELIZABETH M. YOUNG, being first duly sworn on oath, deposes and states as follows:

1. She and her husband, who is now deceased, MILES M. YOUNG, owned the property which is now owned by Charles T. Garoutte and were the holders of Water Right License 63-3213.

2. She has been familiar with the use of the water evidenced by that license since August, 1935, when she and her husband were married and she began living on the property. The water has been used for three residential-type uses (the office-dwelling, warehouse, shop and assay office) and for the fire protection of those structures continuously since August, 1935 through to the present.

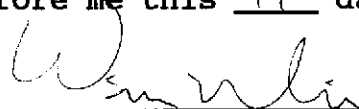
3. The use of the water in the fashion listed above was established prior to August, 1935 either by Idaho-Canadian Dredging Company or its predecessor. The buildings were constructed in the late 1800s and used by the dredging companies in their business activities. When the water system was installed and the use commenced is not known but it was many years prior to August, 1935.

4. At the time your affiant became aware of the use, her husband, MILES M. YOUNG, was an employee and an officer of Idaho-Canadian Dredging Company. He remained in their employ until the company was dissolved, at which time she and her husband personally acquired the real property from that company and continued the use of the water as it had been previously established.

5. Her husband, MILES M. YOUNG, filed the Application for the water right on approximately August 15, 1960 which is evidenced by License 63-3213. This Application and License obtained was acquired for the sole purpose of documenting the existing use and was not intended as a waiver of the priority of use established by the earlier diversion and application to beneficial use.

Elizabeth M. Young
Elizabeth M. Young

SUBSCRIBED AND SWORN to before me this 19 day of May, 1989.



Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 2-20-91

STATEMENT

This Statement is made as an attachment to the Notice of Claim to a water right filed by Charles T. Garoutte through his attorney, William D. Collins.

The Notice of Claim to a Water Right is based upon diversion and application to beneficial use. On or about August 17, 1960, the then-owner of the water right and the land upon which the water was being used, Miles M. Young, filed an Application for a Permit to appropriate 0.3 cubic feet per second of water from Warm Springs Gulch or Creek, which is a tributary to Elk Creek. Elk Creek is also a tributary to Mores Creek. The Permit was assigned number 28948. A License was subsequently confirmed for the water right, License No. 63-3213.

The Application for permit was filed without an intent to abandon or relinquish the earlier priority established by diversion and application to beneficial use. Until other proof can be obtained showing the earlier priority, the priority date claimed is August 1935, based upon the Affidavit of Elizabeth M. Young which is attached to the Notice of Claim as page 6.

As part of the Department of Resources' file regarding the License, there is an Affidavit submitted by an adjoining property owner, who then owned the Warm Springs Plunge, stating that he was familiar with the use and that it had been continuous since August 9, 1936. The use, however, was commenced prior to that time and the earlier priority is claimed.

DATED this 19 day of May, 1989.



William D. Collins

WILLIAM D. COLLINS
ATTORNEY AT LAW
733 NORTH 7TH STREET
P. O. BOX 2794
BOISE, IDAHO 83701

TELEPHONE 345-2811
AREA CODE 208

May 18, 1989

HAND DELIVERED

Mr. Ron Howerton
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RECEIVED

MAY 19 1989

Hand-delivered
Department of Water Resources
Western Regional Office

Dear Mr. Howerton:

I am enclosing a Notice of Claim to a Water Right in the Snake River Adjudication on behalf of my client, Charles T. Garoutte. I have also enclosed my firm check in the amount of \$62.00 to cover the filing fee.

We had talked about this claim a week ago. As you may recall, it involved a prior licensed right, License No. 63-3213, which was for three residential-type uses and fire protection. The Claim to a Water Right is filed with a priority date of August, 1935 based upon the Completion of Works Affidavit in the license file and the Affidavit of Mrs. Young which is attached. That priority date is subsequent to the actual date the water was first put to beneficial use. At this juncture, we cannot pin down that date but feel fairly comfortable that the use was probably established in the late 1800s.

We will likely endeavor to supplement the claim with proof of an earlier priority date but that proof is not now available.

Very truly yours,



William D. Collins

WDC/jd
Enclosure

cc: Charles T. Garoutte

MICROFILMED

AUG 25 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME CHARLES T. GAROUTTE CLAIM IDENT. NO. A63-15447DATE RECEIVED 5-19-89 CK # 4688 AMOUNT \$ 62.00

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☐ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☐ | ☐ | * |
| 3. (a) Is a source entered? | ☐ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☐ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☐ | ☐ | * |
| 5. Is there a description of the diverting works? | ☐ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☐ | ☐ | |
| Is the period of use included? | ☐ | ☐ | |
| Is a quantity claimed for each use? | ☐ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☐ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☐ | ☐ | |
| Is the consumptive use correct? N/A | ☐ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | ☐ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☐ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☐ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☐ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☐ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | ☐ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | ☐ | ☒ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? ☒ | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☐ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☐ | ☐ | * |
| 20. Is the fee enclosed correct? Exempt | ☐ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☐ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: VERIFIED ROH Date: 5-23-89Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☐ (No)
 Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____
Comments: ADD TO REMARKS - BENEFICIAL USE CLAIM WAS BASED
ON LIC. A63-03213 AND THEY DO NOT WANT THE 1960
PRIORITY BUT IF THEY CANNOT USE THE 1935 THEN WOULD
GO WITH THE 1960 PRIORITY.

MICROFILMED

AUG 25 1992

62.00