

A63-15677

PHOTOS TAKEN 08/27/2001



PHOTO #1
PLACE OF USE IN
FRONT OF HOME

A63-15677
Spring source
8-27-2001

T04N, R04E

2

2

2002

2002
8-27-2001

2002

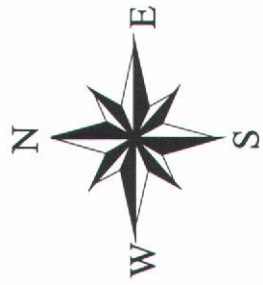
2002

Pipe

11

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2 & S31



1987 NAPP PHOTO

- POINT OF DIVERSION
- PLACE OF USE
- 1/4 1/4 LINES
- SECTION LINES

6 ACRES

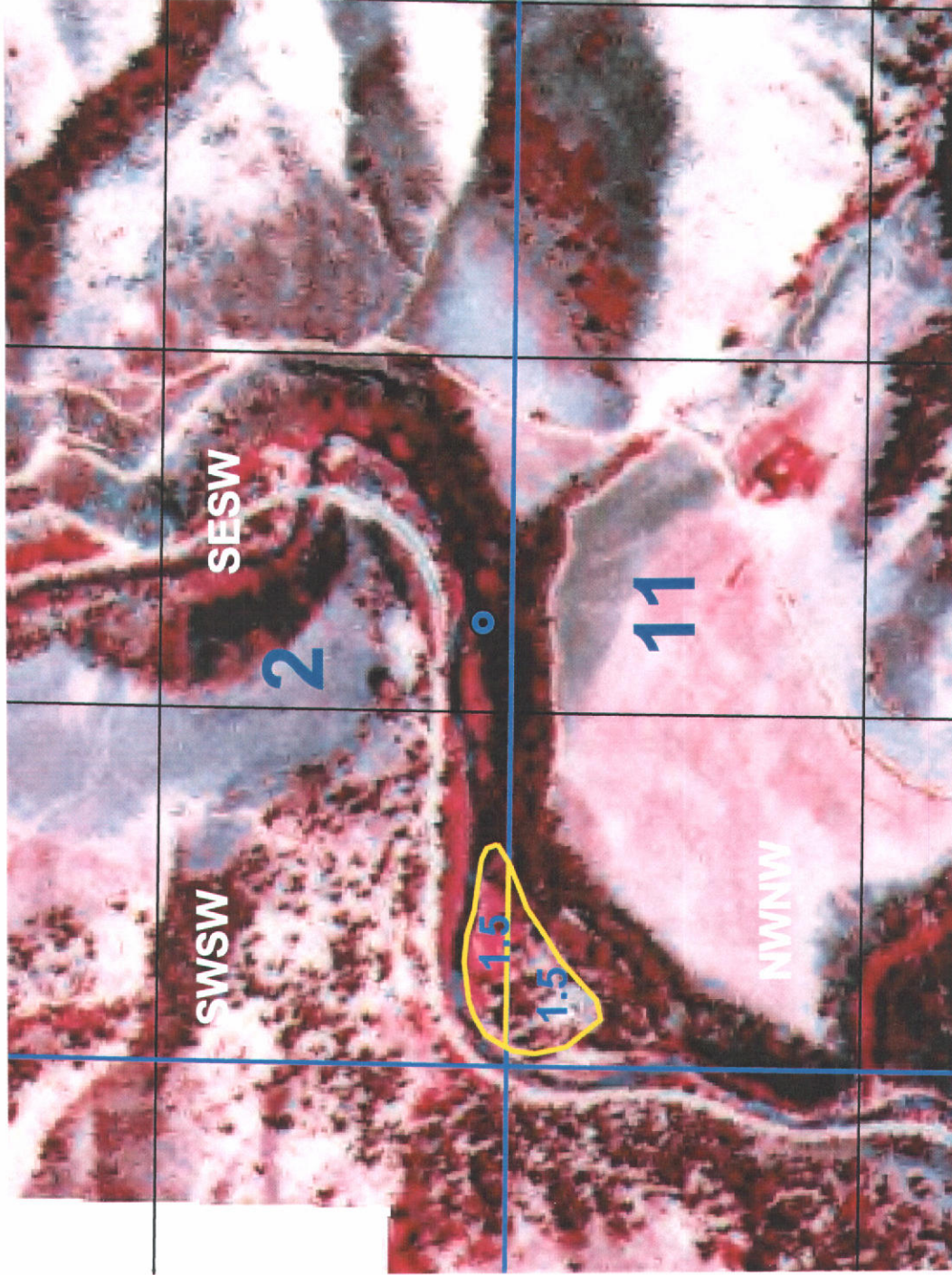
6 SECTION NUMBERS

CLAIM(S): 63-15677

OWNER(S): MARCUS, BARRY

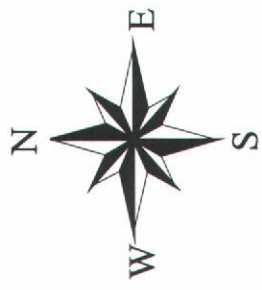
DATE: DECEMBER 14, 2001

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2 & S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE



1/4 1/4 LINES



SECTION LINES



6 ACRES

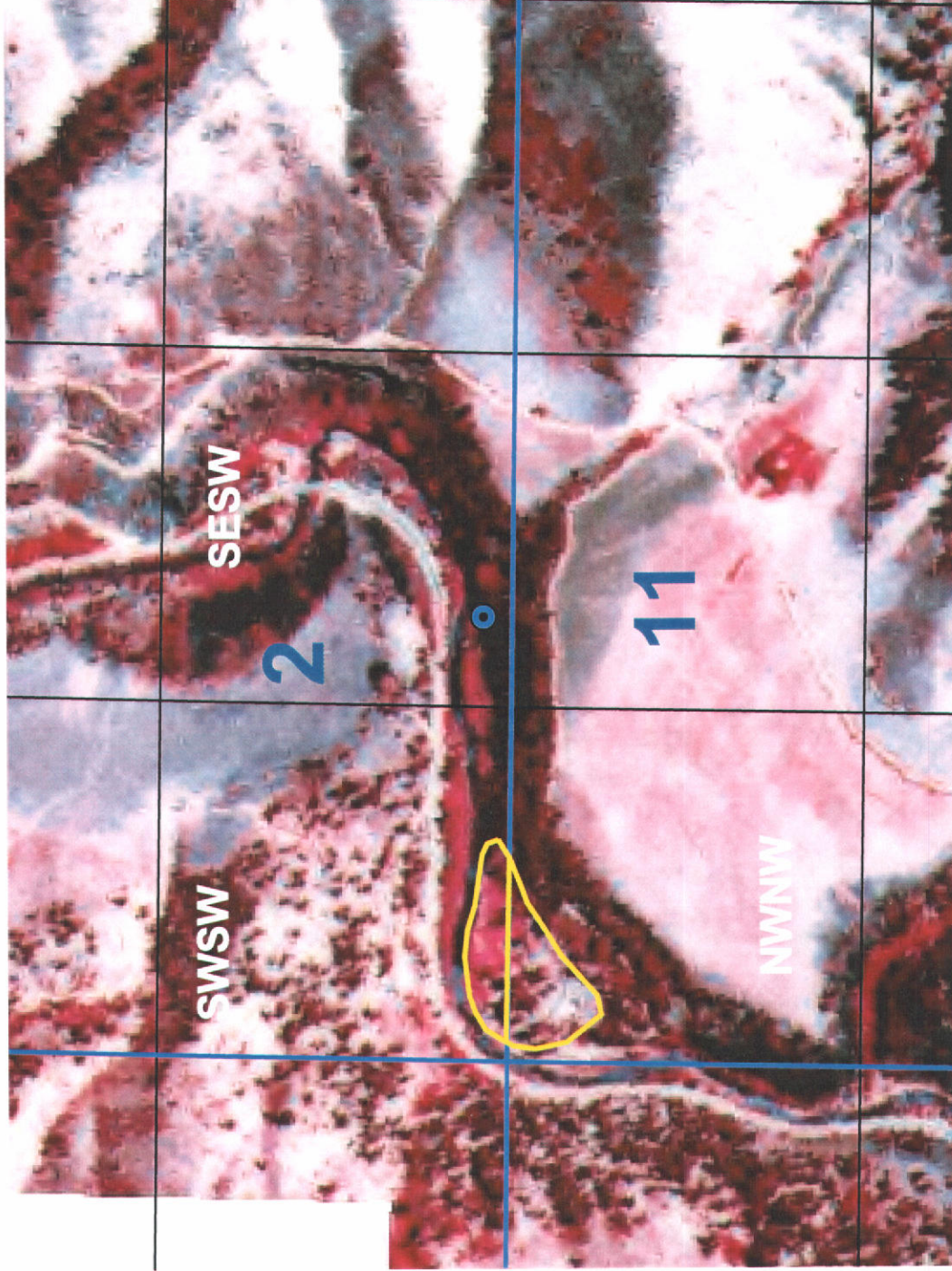
6 SECTION NUMBERS

CLAIM(S): 63-15677

OWNER(S): MARCUS, BARRY

DATE: DECEMBER 14, 2001

by: Mel Schulte

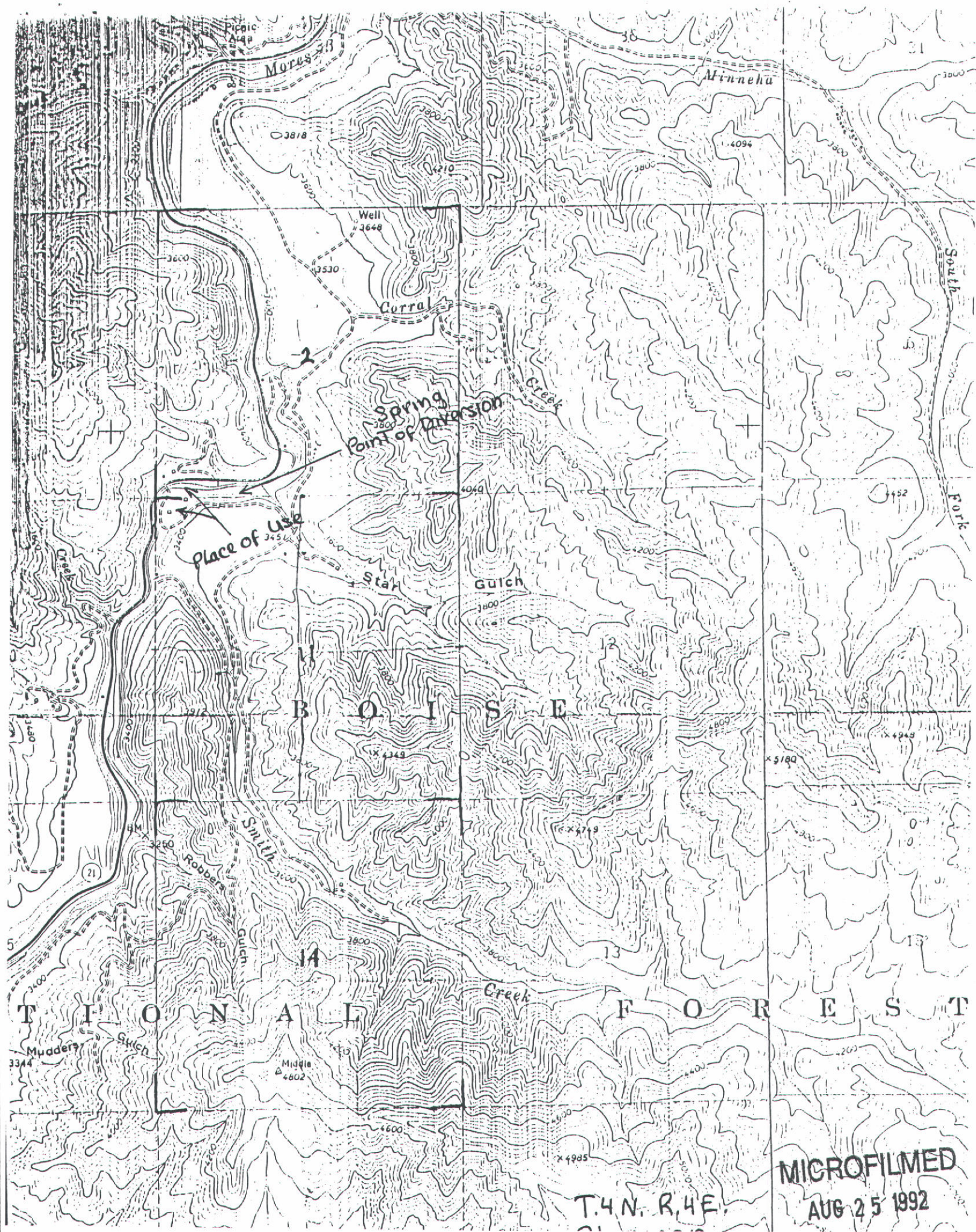


0.75 Miles

0.5

0.25

0.



MICROFILMED
AUG 25 1992

T.4 N. R.4 E.

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 63-15677
Date Received: 5/22/1989
Receipt No: W002936
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): BARRY MARCUS
737 N 7TH ST
BOISE ID USA 83702

Phone: (208)342-3563

2. Date of Priority: 06/01/1940

3. Source: SPRING Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	2	SE SW	BOISE	

5. Description of diverting works:

4 1/2" STEEL PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	0.1	
STOCKWATER	4/15	10/15	0.1	

7. Total Quantity Appropriated is:
0.1 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
04N	04E	2	NW NW SW SE		STOCKWATER IRRIGATION	1.5
					Section Acres	1.5
04N	04E	11	SW SW NW NW		STOCKWATER IRRIGATION	1.5
					Section Acres	1.5
					Total Acres	3

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:

THE POD MAY BE IN SECTION 11, NE 1/4, NW 1/4
Ownership changed by DB 8/21/2001

15. Basis of Claim: Beneficial Use

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 63-15677
Date Received: 5/22/89
Receipt No: W002936
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): HORACE CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

EARL CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

2. Date of Priority: 06/01/1940

3. Source: SPRING Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	2	SE SW	BOISE	

5. Description of diverting works:

4 1/2" STEEL PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	0.1	
STOCKWATER	4/15	10/15	0.1	

7. Total Quantity Appropriated is:
0.1 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
04N	04E	2	NW NW SW SE	?	<i>data entry error</i> STOCKWATER IRRIGATION	1.5
Section Acres						1.5
04N	04E	11	SW SW NW NW		STOCKWATER IRRIGATION	1.5
Section Acres						1.5
Total Acres						3

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:

THE POD MAY BE IN SECTION 11, NE 1/4, NW 1/4

15. Basis of Claim: Beneficial Use

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JUL 12 2001

WATER RESOURCES
WESTERN REGION

Snake River Basin Adjudication
Change in Address of Notice of Claim

63-15684, -5332, -2472, -15677

Claim Number(s): 63-5334, -15683, -5373, -5109, -5108

Previous Mailing Address: HC 33 Box 1470 Boise ID
87706

New Mailing Address: 40 Adams R.D. Boise ID
83716

Telephone Number: (208) 343 0076

Signature of Claimant(s): Horace Chapman

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

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: A63-15677
Date Received: 5/19/1989
Receipt No: W002936
Received By: DE JONE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HORACE CHAPMAN 208-343-0076
Address: HC 33 BOX 1470
BOISE, ID 83706

OR

Name: EARL CHAPMAN 208-343-0076
Address: HC 33 BOX 1470
BOISE, ID 83706

2. Date of Priority: JUN 01, 1940

3. Source: SPRING Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	2	SE	SW			BOISE

5. Description of diverting works:
4 1/2" STEEL PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	04/15	10/15	0.100		
IRRIGATION	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S\ 5 HEAD HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	2	NW	NW		STOCK	
			SW	SE		IRR	1.5
						Section Acres	1.5
		11	NW	NW		IRR	1.5
			SW	SW		STOCK	
						Section Acres	1.5
						Total Acres	3.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE POD MAY BE IN SECTION 11, NE 1\4, NW 1\4.

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

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 63-15677Date Received 5-19-89-LWReceipt Number W002936

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Horace Chapman and Earl Chapman Phone (208) 343-0076Mailing Address HC 33, Box 1470, Boise, Idaho Zip 837062. Date of Priority (Only one (1) per claim) 19403. Source of water supply (a) Spring
which is tributary to (b) Mores Creek4. a. Location of existing point of diversion is: Township 4N Range 4E Section 2 & 11
Sec. 2
1/4 of SE 1/4 of SW 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. 4 1/2" steel pipe.Sec. 2 only

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AUG 25 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 0.10 or _____

For Stockwater purposes from 1/01 to 12/31 amount 0.10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater - 5 head of horses.

10. Description of place of use:

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	
4N	4E	2											1 1/2						1 1/2
4N	4E	11						1 1/2											1 1/2
4N	4E	2						S											
4N	4E	11											S						

Total number of acres irrigated 3

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 X 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. _____ or None (X)

14. Remarks:

The PSD may be
in sec. 11, NE 1/4, NW 1/4

Last Name Chapman Ident No. _____

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

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) Earl Chapman Date 5/17/89

Helen Chap Date 5/17/89

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 17th day of May 19 89

SEAL

Notary Public Barbara Allen

Residing at Caldwell, Idaho

My Commission Expires April 26, 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Barry Marcus 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 Barry Marcus

Address 737 N. 7th St. Boise 83702

Date 5/17/89

Last Name Chapman Ident. Number _____

MICROFILMED

Copies White-State, Yellow-Claimant
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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-15677

2004 SEP 24 PM 4:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BARRY MARCUS
737 N 7TH ST
BOISE, ID 83702

SOURCE: SPRING TRIBUTARY: MORES CREEK

QUANTITY: 0.11 CFS

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

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION: T04N R04E S02 SWSSEW Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.09 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

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

PLACE OF USE: Irrigation Within Boise County
T04N R04E S02 SWSW 1.5
S11 NWNW 1.5
3.0 Acres Total

Stockwater Within Boise County
T04N R04E S02 SWSW
S11 NWNW

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

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Recommendation
Sept. 24, 2004
John M. Melanson

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

08/12/2003

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

RIGHT NUMBER: 63-15677
NAME AND ADDRESS: BARRY MARCUS
737 N 7TH ST
BOISE ID 83702

SOURCE: SPRING TRIBUTARY: MORES CREEK

QUANTITY: 0.110 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1940

POINT OF
DIVERSION: T04N R04E S2 SWSESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.090 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 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County
T04N R04E S02 SWSW 1.5 T04N R04E S11 NWNW 1.5
STOCKWATER Within BOISE County
T04N R04E S02 SWSW T04N R04E S11 NWNW

3 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 5 HORSES

SF5 - 63-15677

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Dr
Seher
APB

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SEP 10 2003

Department of Water Resources

Barry Marcus, ISB No. 1181
MARCUS, MERRICK, CHRISTIAN & HARDEE, LLP
Attorneys at Law
737 North 7th Street
Boise, Idaho 83702
Telephone: (208) 342-3563
Telefax: (208) 342-2170
Attorneys for Claimants

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

In Re:	)	NOTICE OF APPEARANCE
	)	
SRBA	)	SUBCASE NOS: 63-2472
	)	63-31074
Case No. 39576	)	63-19A
	)	63-5332
	)	63-15677
	)	63-31173
	)	63-15684
	)	63-5108
	)	63-5334
	/	

TO: ALL PARTIES IN INTEREST:

COMES NOW, Barry Marcus of the law firm Marcus, Merrick, Christian & Hardee, and hereby enters his appearance in the above-entitled matter as attorney for the following named Claimants:

<u>Name & Address</u>	<u>Claim No(s).</u>
Chapman Ranch LLC 737 N. 7 th St. Boise, ID 83702	63-2472
Barry Marcus 737 N. 7 th St. Boise, ID 83702	63-31074 63-15677
Larry R. Smith Alda L. Smith 8442 W. Beachside Ct. Boise, ID 83703	63-19A
Osprey Land Co. 737 N. 7 th St. Boise, ID 83702	63-5332 63-5334
Hide Associates Partnership Boise Holcomb, Inc. 737 N. 7 th St. Boise, ID 83702	63-31173
Chapman Ranch, LLC 737 N. 7 th St. Boise, ID 83702	63-15684 63-5108

Dated this 5 day of September, 2003.

MARCUS, MERRICK, CHRISTIAN & HARDEE, L.L.P.

By Barry Marcus
Barry Marcus
Attorneys for Claimants

CERTIFICATE OF SERVICE

I hereby certify that on this 5 day of September, 2003, I caused to be served a true and correct copy of the foregoing **NOTICE OF APPEARANCE** in the above-referenced matter by the method indicated below, and addressed to the following:

Boise Project Board of Control

Represented by:

Albert P. Barker

Amy D. Chestnut

205 N. 10th St., Ste. 520

P.O. Box 2139

Boise, ID 83701-2139

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

United States of America

Represented by:

David Negri

U.S. Department of Justice

Environment & Natural Resource

550 W. Fort Street, MSC 033

Boise, ID 83724

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Director of IDWR

P.O. Box 83720

Boise, ID 83720-0098

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Michael Sweeney

28 N. Fork Clear Creek Rd.

Boise, ID 83716

 HAND DELIVER
 X U.S. MAIL
 OVERNIGHT MAIL
 TELECOPY (FAX)

Barry Marcus

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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 63-15677
(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: Barry Marcus
Address: 737 N 7th St
Boise, ID 83702

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):

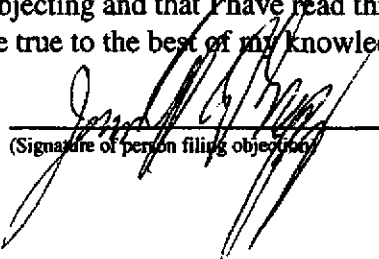
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions 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)

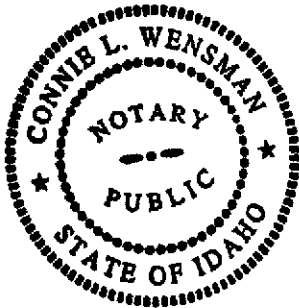
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(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: Barry Marcus

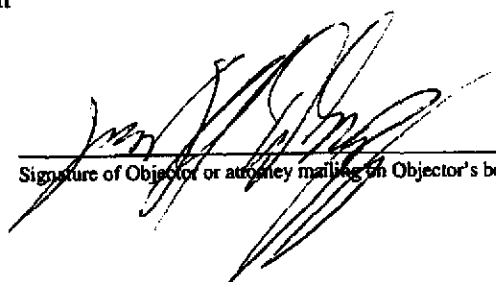
Address: 737 N 7th St
Boise, ID 83702

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

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)

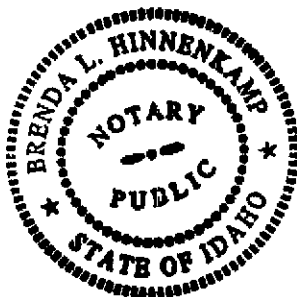
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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:

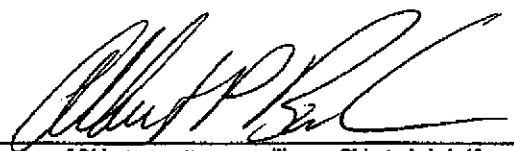
Name: See Attachment B
Address:

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

IDAHO DEPARTMENT OF WATER RESOURCES 12/14/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-15677

NAME AND ADDRESS: BARRY MARCUS
737 N 7TH ST
BOISE ID 83702

SOURCE: SPRING TRIBUTARY: MORES CREEK

QUANTITY: 0.11 CFS

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

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION:

T04N R04E S2 SWSESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.090 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T04N R04E S11 NWNW T04N R04E S02 SWSW

IRRIGATION Within BOISE County

T04N R04E S11 NWNW 1.5 T04N R04E S02 SWSW 1.5

3 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.

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

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 5 HORSES

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

CLAIM NO(s). 463-15677

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: 6-1-1940
(If the priority date, based on your exam, seems questionable, explain below.)

See affidavit by Dorace Chapman dated 10-7-1999

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 4N Range 4E Section 2 1/4 SW 1/4 SE 1/4 SW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

Steel pipe from POD to portable sprinkler system.

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use Ag From 3-15 To 11-15 Amount .09 CFS AFA
 Use Stock From 1-1 To 12-31 Amount .02 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 .11 CFS AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: Stock # 5 List types:

Additional comments:

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

Use: Dr Township 4N Range #E Section 2 1/4 SW 1/4 SW = 1.5
 Use: " Township " Range " Section 11 1/4 NW 1/4 NW = 1.5
 Use: 1th Township " Range " Section " 1/4 " 1/4 "
 Use: 1th Township " Range " Section 2 1/4 SW 1/4 SW

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

63-31074 overlaps from Mouse Creek.

C18, N05, N08, Exp-stock

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-27-01

FIELD EXAMINER:

Print Name

Mel Schulte
 Signature

AFFIDAVIT OF HORACE CHAPMAN

STATE OF IDAHO)
 : ss.
County of Ada)

Horace Chapman, being first duly sworn upon oath, deposes and states as follows:

1. I was born in 1928 and have knowledge of the facts stated herein. My family moved to Grimes Creek in Boise County in 1936. I began working with my brother (Earl Chapman) and Bill Adams on Bill's ranch adjoining Mores Creek on the east. The ranch consists of approximately 2000 acres and encompassed property now owned by Barry Marcus and located next to Mores Creek in the NW¼ of the NW¼ of Section 11 and the SW¼ of the SW¼ of Section 2, Township 4 North, Range 4 East, B.M. ("Marcus Property"). I have resided on the ranch continuously since 1940 and eventually became an owner of the ranch.

2. In 1940, when I started working with my brother and Bill Adams, we built a small house and moved a sawmill onto the Marcus Property. The mill rights lived in the house. At that time we developed a spring for use on the property and also began pumping water out of Mores Creek to irrigate approximately 5 acres adjoining the house. Since 1940 and during April to November of every year, water has been pumped out of Mores Creek to irrigate that parcel to grow feed for horses and cattle that we raised on the ranch. We irrigated the 5 acre parcel with a gas powered pump until power was run to the property.

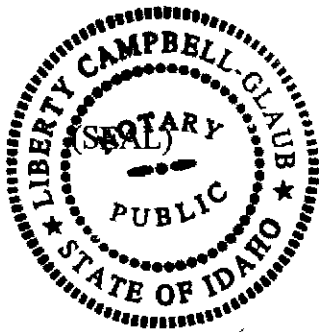
3. In the 1950's, Junior Ownby and his wife moved onto the Marcus Property and occupied it until 1994. They pumped water out of Mores Creek to irrigate the Marcus Property during the time they lived on the property.

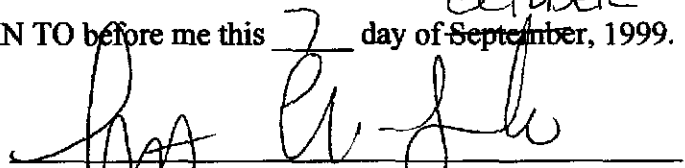
4. After acquiring the property in 1995, Barry Marcus continued the same irrigation out of Mores Creek each year.

Dated this 7 day of ^{OCTOBER}~~September~~, 1999.


Horace Chapman

SUBSCRIBED AND SWORN TO before me this 7 day of ^{OCTOBER}~~September~~, 1999.




Notary Public for State of Idaho
Residing at BORSE Idaho
My Commission Expires: 8/4/2004

A63-15677

PHOTOS TAKEN 08/27/2001



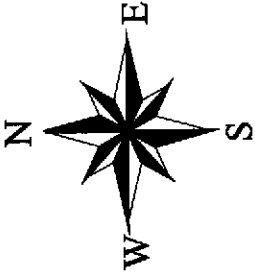
PHOTO #1
PLACE OF USE IN
FRONT OF HOME

463-15677
Spring source
8-27-2001

Pipe

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2 & S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15677

OWNER(S): MARCUS, BARRY

DATE: DECEMBER 14, 2001

by: Mel Schulte

0.75 Miles

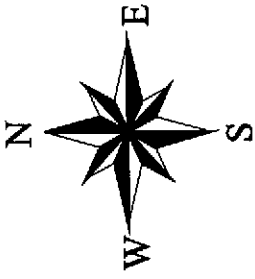
0.5

0.25

0

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S2 & S31



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-15677

OWNER(S): MARCUS, BARRY

DATE: DECEMBER 14, 2001

by: Mel Schulte

0. 0.25 0.5 0.75 Miles





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

HORACE CHAPMAN
40 ADAMS RD
BOISE ID 83716

Re: Claim No(s) 63-5108

63-5109, 63-5332, 63-5334

63-5373, 63-15677, 63-15683

63-15684

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 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

July 18, 2001

HORACE CHAPMAN
EARL CHAPMAN
40 ADAMS RD
BOISE ID 83716

Re: Notice of Claim to a Water Right No. 63-15684, 63-05332, 63-2472, 63-15677,
63-05334, 63-15683, 63-05373, 63-05108 & 63-05109

Dear Claimant(s):

Enclosed are copies of the above referenced claims, which reflect the change in address.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

Thank you for your patience and cooperation, as we have had several ownership and address changes to process. If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure



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 21, 2001

BARRY MARCUS
737 N 7TH ST
BOISE ID 83702

Re: Notice of Claim to a Water Right No. 63-15683 & 63-15677

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

RECEIVED
AUG 21 2001
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
ground water	A63-15683				
spring	A63-15677				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Earl & Harace Chapman /
Chapman Ranch LLC
4. New Owner/Claimant(s) Barry Marcus
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 737 N. 7th St.
- City, State and ZIP Code Boise, ID 83702
- New Telephone Number 208 342-3563
5. Date you acquired the property 12-3-1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Barry Marcus
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

167515

INST# 167515
REQUEST Sandy Sims

98 FEB -4 PM 1:26

BOISE COUNTY RECORDER

By Laurel A. Leppin
TYPE Deed FEE 15.00/ck

QUITCLAIM DEED

FOR VALUE RECEIVED, C-M, LLC and Chapman Ranch, LLC, Grantors,
do hereby convey, release, remise and forever quitclaim unto **Barry Marcus**, whose current
address is: 737 North 7th Street, Boise, Idaho 83702, the following described premises, more
particularly described as follows, to-wit:

Lot 1 of Mores Creek Heights Subdivision, according to the
Official Plat thereof, recorded as Instrument No. 95549, records of
Boise County, Idaho together with the parcels described on the
attached Exhibits A, B, and C, which are attached hereto and by
reference made a part hereof as fully and completely as if set forth
in detail herein

together with their appurtenances.

DATED this 3rd day of December, 1997.

C-M, LLC

By: Horace Chapman
Horace Chapman, Managing Member

By: Craig Marcus
Craig Marcus, Managing Member

Chapman Ranch, LLC

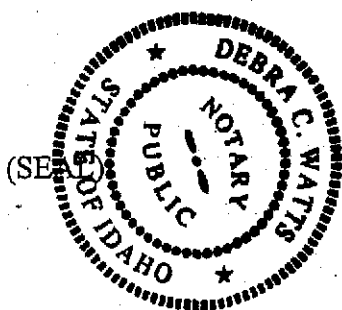
By: Horace Chapman
Horace Chapman, Managing Member

By: Craig Marcus
Craig Marcus, Managing Member

STATE OF IDAHO)
: ss.
County of Ada)

On this 3rd day of December, 1997, before me, the undersigned, a Notary Public in and for said state, personally appeared Horace Chapman and Craig Marcus, known or identified to me to be Managing Members of C-M, LLC, the persons who executed the foregoing instrument on behalf of said Limited Liability Company, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

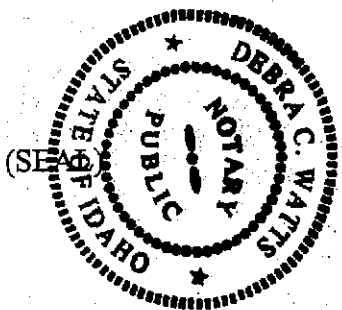


Debra C. Watts
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 06-25-2002

STATE OF IDAHO)
: ss.
County of Ada)

On this 3rd day of December, 1997, before me, the undersigned, a Notary Public in and for said state, personally appeared Horace Chapman and Craig Marcus, known or identified to me to be Managing Members of Chapman Ranch, LLC, the persons who executed the foregoing instrument on behalf of said Limited Liability Company, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Debra C. Watts
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 06-25-2002

PROPERTY DESCRIPTION
OF
MARCUS FINAL

A parcel of land located in the N1/2 of the NW1/4, Section 11, the NE1/4 NE1/4 Section 10, and the SW1/4 SW1/4 Section 2, T. 4 N., R. 4 E., B.M., Boise County, Idaho more particularly described as follows:

Commencing at the North Quarter Corner of said Section 11, a distance of 490.00 feet on a bearing of S. 88° 41' 51" W. to a point on the north boundary of Parcel 2 and being the REAL POINT OF BEGINNING.

Thence S. 88° 41' 51" W. 800.08 feet along the south boundary of Lot 1, Mores Creek Heights Subdivision and the north boundary of Parcel 1 and 2 of the Adams-Chapman Junior Survey of 1974 to the southwest corner of Lot 1;

Thence N. 00° 00' 50" W. 101.81 feet to the south bank of Mores Creek;

Thence the following courses and distances along said south bank of Mores Creek:

S. 77° 00' 00" W. 120.22 feet; N. 90° 00' 00" W. 335.00 feet;
N. 82° 53' 30" W. 65.72 feet; N. 77° 13' 14" W. 130.86 feet;
N. 81° 20' 43" W. 117.57 feet; N. 84° 59' 26" W. 105.74 feet;
N. 81° 07' 34" W. 88.78 feet; S. 89° 21' 53" W. 86.61 feet;
S. 50° 13' 26" W. 64.51 feet; S. 52° 00' 03" W. 49.99 feet;
S. 54° 00' 50" W. 60.32 feet; S. 35° 59' 33" W. 67.66 feet;
S. 27° 14' 44" W. 19.33 feet; S. 88° 41' 51" W. 62.04 feet to the northwest

corner of said Section 11, which lands in Mores Creek;

Thence S. 00° 12' 30" E. 737.32 feet along the section line between Sections 11 and 10 to a point on the east bank of Mores Creek;

Thence to following courses and distances along the east bank of Mores Creek:

S. 33° 00' 00" W. 46.94 feet; S. 13° 00' 00" W. 105.00 feet;
S. 29° 00' 00" W. 190.00 feet; S. 07° 00' 00" W. 110.00 feet;
S. 09° 00' 00" E. 165.00 feet to a point on the south boundary of the NE1/4

NE1/4 Section 10;

Thence N. 89° 47' 30" E. 131.00 feet to the N 1/16 corner between Section 10 and 11;

Thence the following courses and distances along the south boundary of the Adams-Chapman Junior Survey of 1974:

N. 23° 16' 48" E. 269.37 feet; N. 31° 10' 33" E. 193.40 feet;
N. 31° 04' 09" E. 403.43 feet; N. 47° 59' 12" E. 592.42 feet;
N. 87° 45' 30" E. 868.97 feet;

Thence N. 64° 05' 53" E. 401.48 feet to the REAL POINT OF BEGINNING, said parcel contains 21.30 Acres.



PROPERTY DESCRIPTION
FOR
SANDY SIMS

A parcel of land located in the NW1/4, Section 11, T. 4 N.
R. 4 E., B.M., Boise County, Idaho more particularly described
as follows:

Commencing at the North Quarter Corner of said Section 11, a
distance of 174.21 feet on a bearing of S. 88° 41' 51" W. to the
REAL POINT OF BEGINNING.

Thence S. 88° 41' 51" W. 315.79 feet;

Thence S. 64° 05' 53" W. 401.48 feet;

Thence S. 74° 02' 30" E. 357.49 feet;

Thence S. 39° 56' 00" E. 465.14 feet;

Thence N. 14° 42' 37" W. 92.27 feet;

Thence a distance of 491.43 feet along a curve to the
right having a central angle of 36° 48' 22", a radius of 765.00
feet and a long chord of N. 03° 41' 34" E. 483.02 feet;

Thence N. 22° 05' 45" E. 71.50 feet to the REAL POINT
OF BEGINNING, said parcel contains 3.79 Acres.



PROPERTY DESCRIPTION
FOR
60 FOOT EASEMENT

A 60 foot wide easement located in the NW1/4, Section 11, T. 4 N. R. 4 E., B.M., Boise County, Idaho more particularly described as follows:

Commencing at the North Quarter Corner of said Section 11, a distance of 674.58 feet on a bearing of S. 18° 01' 30" W. to the REAL POINT OF BEGINNING.

Thence N. 14° 42' 37" W. 92.27 feet;

Thence a distance of 45.66 feet along a curve to the right having a central angle of 03° 25' 11", a radius of 765.00 feet and a long chord of N. 13° 00' 01" W. 45.66 feet;

Thence N. 39° 56' 00" W. 359.37 feet;

Thence N. 74° 02' 30" W. 308.93 feet;

Thence S. 64° 05' 53" W. 89.91 feet;

Thence S. 74° 02' 30" E. 357.49 feet;

Thence S. 39° 56' 00" E. 465.14 feet to the REAL POINT OF BEGINNING.



164118

DEED OF GIFT

INST# 164118
REQUEST Marcus, Merrick
97 APR 15 AM 11:53
BOISE COUNTY RECORDER
BY Shirley George
TYPE Deed FEE \$9.00/cl

We, Horace Chapman, a single man, and Earl Chapman, a single man, of HC 33, Box 1470, City of Boise, County of Ada, State of Idaho, hereby give, convey, and assign to Barry Marcus, a married man as his sole and separate property, of 737 N. 7th Street, Boise, Idaho, ⁸³⁷⁰² all the following described real properties, located in the City of Boise, County of Ada, State of Idaho, to have and to hold the same absolutely:

Parcel No. 1:

A part of the NW $\frac{1}{4}$, Section 11, T. 4 N., R. 4 E., B.M., Boise County, Idaho, described more particularly as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 88°41'51" E., along the section line common to Section 2 and 11, T. 4 N., R. 4 E., B.M. a distance of 2,089.73 feet;

Thence S. 64°05'53" W., a distance of 401.46 feet;
Thence S. 87°45'30" W., a distance of 868.97 feet;
Thence S. 47°59'12" W., a distance of 592.42 feet;
Thence S. 31°04'09" W., a distance of 403.43 feet;
Thence S. 31°10'33" W., a distance of 193.40 feet;
Thence S. 23°16'48" W., a distance of 269.37 feet

to the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line common to Sections 10 and 11, T. 4 N., R. 4 E., B.M. a distance of 1,316.86 feet to the point of beginning, containing 16.75 acres more or less.

Parcel No. 2:

A part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T. 4 N., R. 4 E., B.M., described more particularly as follows:

Beginning at the $\frac{1}{4}$ corner common to Sections 2 and 11, T. 4 N., R. 4 E., B.M.;

Thence S. 88°41'51" W. 490.00 feet along the section line common to Sections 2 and 11, T. 4 N., R. 4 E., B.M.; Thence S. 64°05'53" W. 401.46 feet; Thence S. 74°02'30"E. 357.48 feet; Thence S. 39°56' E. 465.14 feet; Thence N. 18°01'30" E. 674.58 feet to the point of beginning, containing 5.689 acres more or less.

Parcel No. 3:

That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 4 N., R. 4 E., B.M., that lies on the East side of Mores Creek, Boise County, Idaho and described more particularly as follows:

Beginning at the N. 1/16 corner common to Sections 10 and 11, T. 4 N., R. 4 E., B.M.;

Thence N. 0°12'30" W. along the section line between Sections 10 and 11 to the intersection with the left bank of Mores Creek; Thence Southerly along the left bank of Mores Creek to the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T. 4 N., R. 4 E., B.M.; Thence easterly along the South boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 to the point of beginning, containing one acre, more or less.

Parcel No. 4:

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 4 N., R. 4 E., B.M., that lies on the South and East side of Mores Creek, Boise County, Idaho, containing 10 acres more or less.

IN WITNESS WHEREOF, We have executed this deed at 737
N. 7th Street, Boise, Idaho, on May 14th, 1996.

Horace Chapman
HORACE CHAPMAN

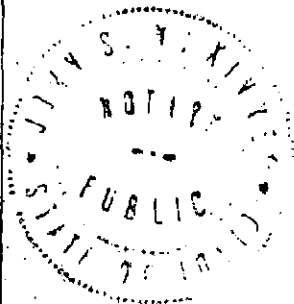
Earl Chapman
EARL CHAPMAN

STATE OF IDAHO)
) ss
County of Ada)

On this 14th day of May, 1996, before me, the
undersigned, a Notary Public in and for said County and State,
personally appeared Horace Chapman and Earl Chapman, known to me
to be the persons whose name are subscribed to the foregoing
instrument and who acknowledged to me that they executed the
same.

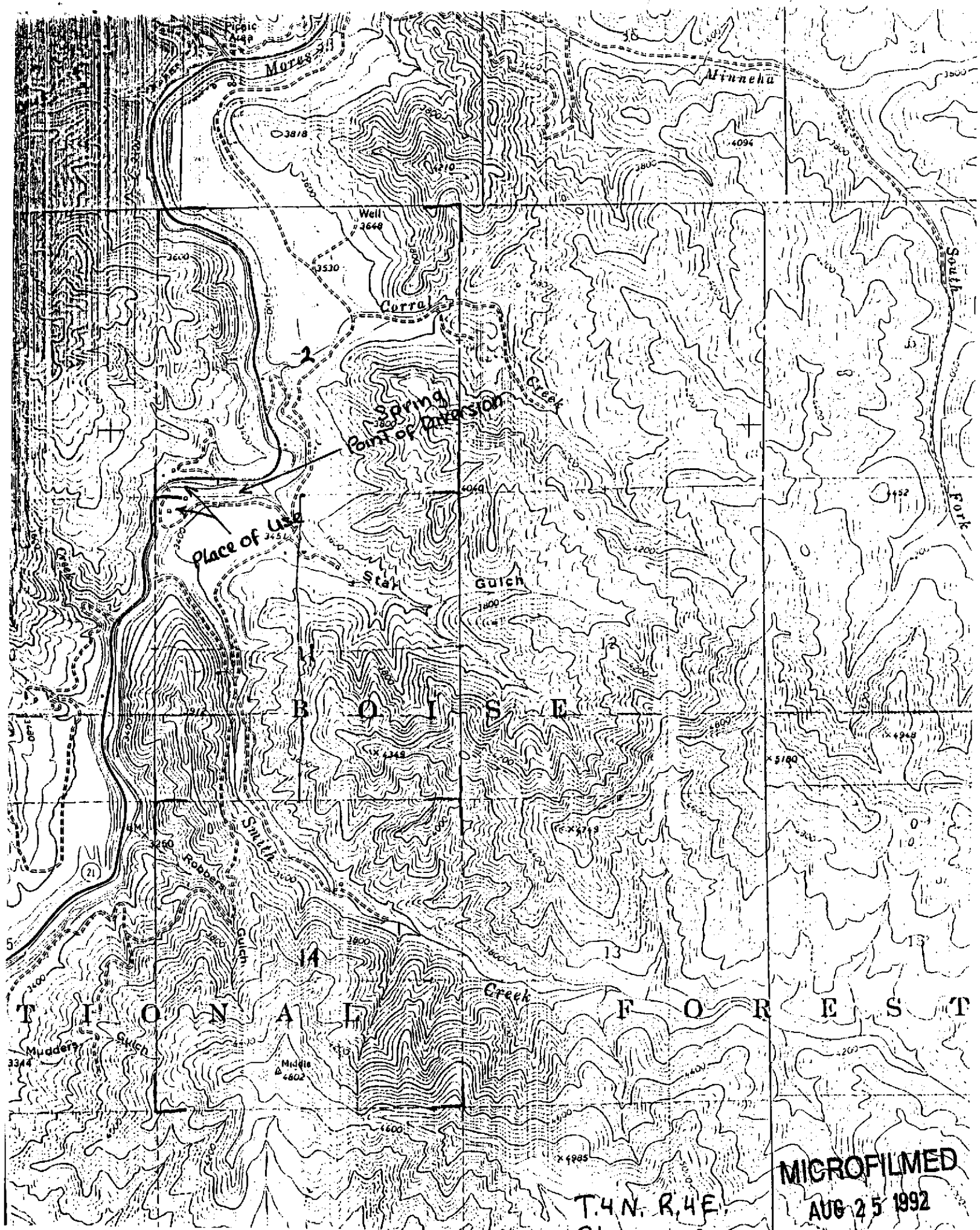
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year first above written.

(SEAL)



[Signature]
Notary Public for Idaho
Residing at Boise
Commission expires:

DEED OF GIFT



MICROFILMED
AUG 25 1992

T.4N. R.4E.

12/32/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Chapman, Norace

CLAIM IDENT. NO.

63

DATE RECEIVED

5-19-89

CK #

5479

AMOUNT \$

53

YES

NO

Requ
Inf *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:

LW

Date:

6-6-89Claim 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:

Checked by:

Date:

Sent to claimant by:

Date:

Comments:

Priority date of 6-1-1940 per conversation w/BarryMarcus, attorney; 6-7-89

MICROFILMED

AUG 25 1992

A63-15677.

1. Ownership to Barry Marcus? Yes!
2. GPS Spring site
3. POU - See claim map - Marcus land.?