

A63-15683

PHOTOS TAKEN 08/27/2001



PHOTO #1
POINT OF DIVERSION
AND PLACE OF USE

A63-15683

T04N, R04E

Star

11

B

O I

Well

3450

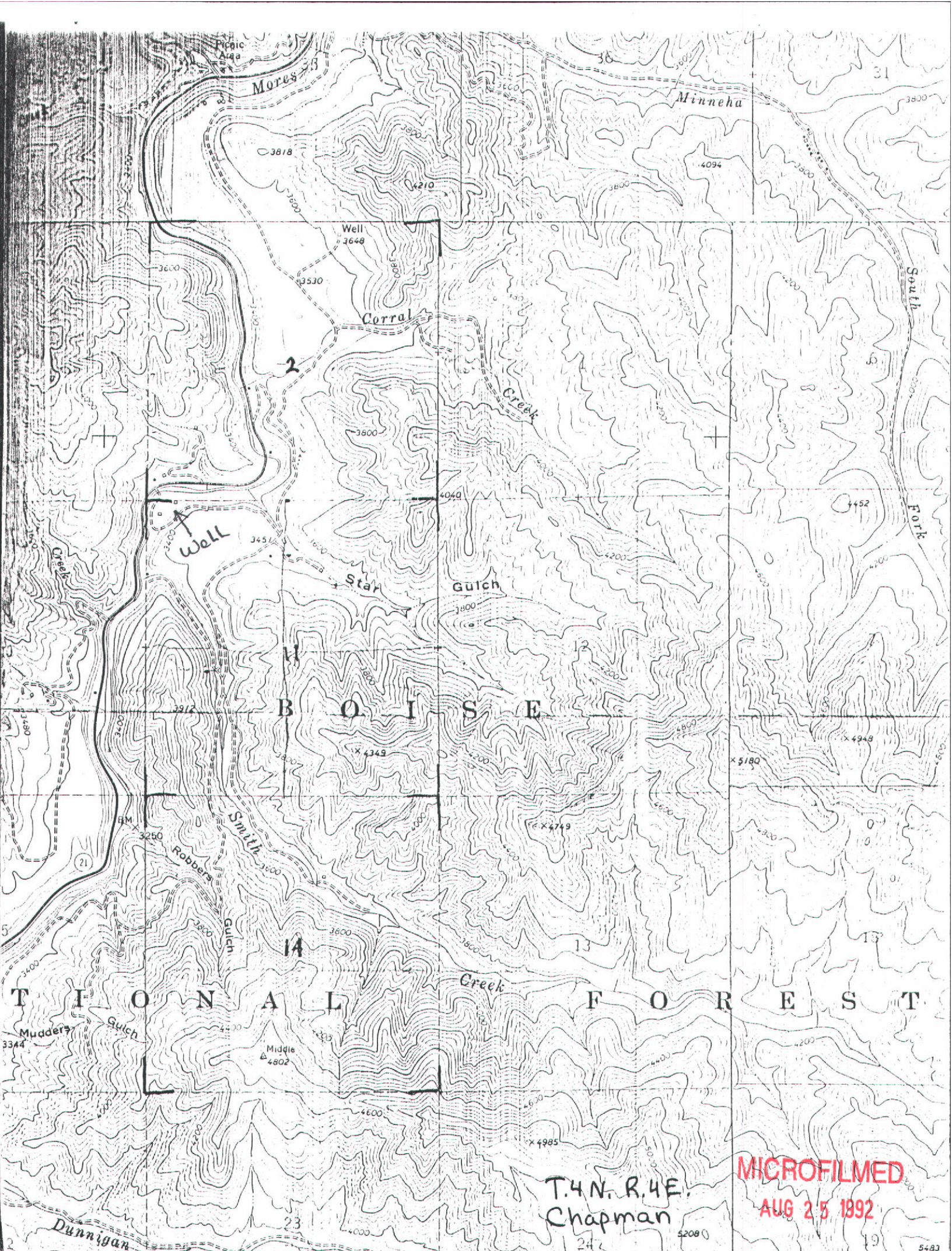
3600

3800

3912

4000

4040



2

BOISE

14

13

13

T.4N. R.4E.
Chapman

MICROFILMED
AUG 25 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-15683
Date Received: 5/22/1989
Receipt No: W002934
Received By:

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

1. Name of Claimant(s): BARRY MARCUS Phone: (208)342-3563
737 N 7TH ST
BOISE ID USA 83702

2. Date of Priority: 06/01/1940

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	11	NW NW	BOISE	

5. Description of diverting works:

WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/30	0.02	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:

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	11	NW NW NW NW		IRRIGATION DOMESTIC	

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:

RECEIPT NUMBERS ARE WOO2934 AND W002935
Ownership change 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
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CIVIL CASE NUMBER: 39576

Ident. Number 63-15683
Date Received: 5/22/89
Receipt No: W002934
Received By:

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

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

Phone: (208)343-0076

HORACE CHAPMAN
40 ADAMS RD
BOISE ID USA 83716

Phone: (208)343-0076

2. Date of Priority: 06/01/1940

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	11	NW NW	BOISE	

5. Description of diverting works:

WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/30	0.02	
DOMESTIC	1/01	12/31	0.02	

7. Total Quantity Appropriated is:

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	11	NW NW NW NW		IRRIGATION DOMESTIC	

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:

RECEIPT NUMBERS ARE W002934 AND W002935

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: A63-15683
Date Received: 5/19/1989
Receipt No: W002934
Received By: DE M

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: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04E	11		NW	NW		BOISE

5. Description of diverting works:
WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
IRRIGATION	04/01	11/30	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D\ 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	11	NW	NW	DOMEST	
			NW	NW	IRR	

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:
RECEIPT NUMBERS ARE W002934 AND W002935.

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 63-15683Date Received 5-19-89-LWReceipt Number W002934 +
W002935

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

6-1-90

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) Domestic Well - 1 household
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 4E Section 11,
_____ 1/4 of NW 1/4 of NW 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. Well.**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 Domestic purposes from 1/01 to 12/30 amount 0.020 or 3m

For Irrigation purposes from 1/01 to 12/30 amount .02 or 3m

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.020 .04 ^{3m} (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.) Domestic.

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.

1-1 12-31

4-1 11-30

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	11					D												

Total number of acres irrigated less than 1 acre

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:

Last Name Chapman Ident No. _____

MICROFILMED

Copies: White State Yellow Chimant
AUG 25 1992

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.

15. Basis of Claim (check one) Beneficial Use ☒ 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) Carl Chapman Date 5/17/89

Horea Chapman 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. Boise 83702

Date 5/17/89

Last Name Chapman Ident. Number _____

MICROFILMED

AUG 25 1992

Copies White-State, Yellow-Claimant

02/26/2002

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

RIGHT NUMBER: 63-15683

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION:

T04N R04E S11 NWNW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

PLACE OF USE: DOMESTIC Within BOISE County

T04N R04E S11 NWNW

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY ALSO KNOWN AS PARCEL NO. RP 04N04E112400A
DOMESTIC USE IS FOR 1 HOME

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

CLAIM NO(s). A63-15683

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.)

Not required for domestic.

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:

6. ☐ No Change - WATER USES

☒ Different uses, (list uses found):

Use Domestic From 1-1 To 12-31 Amount .04 CFS AFA
 Use From To Amount CFS AFA
 Use From To Amount CFS AFA

7. ☒ No Change - TOTAL VOLUME

☒ Incomplete on claim, the total is, Amount .04 CFS 1.2 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: Irrigation & domestic combined into
a single domestic use with up to 5 acre irrigation

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

Use: Dom Township 4N Range 4E Section 11 1/4 NW 1/4 NW
 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

This claim fits a single domestic use better
than separating the irrigation from the domestic

C18, N11, N13

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-27-2001

FIELD EXAMINER:

Print Name

Mel Schulte

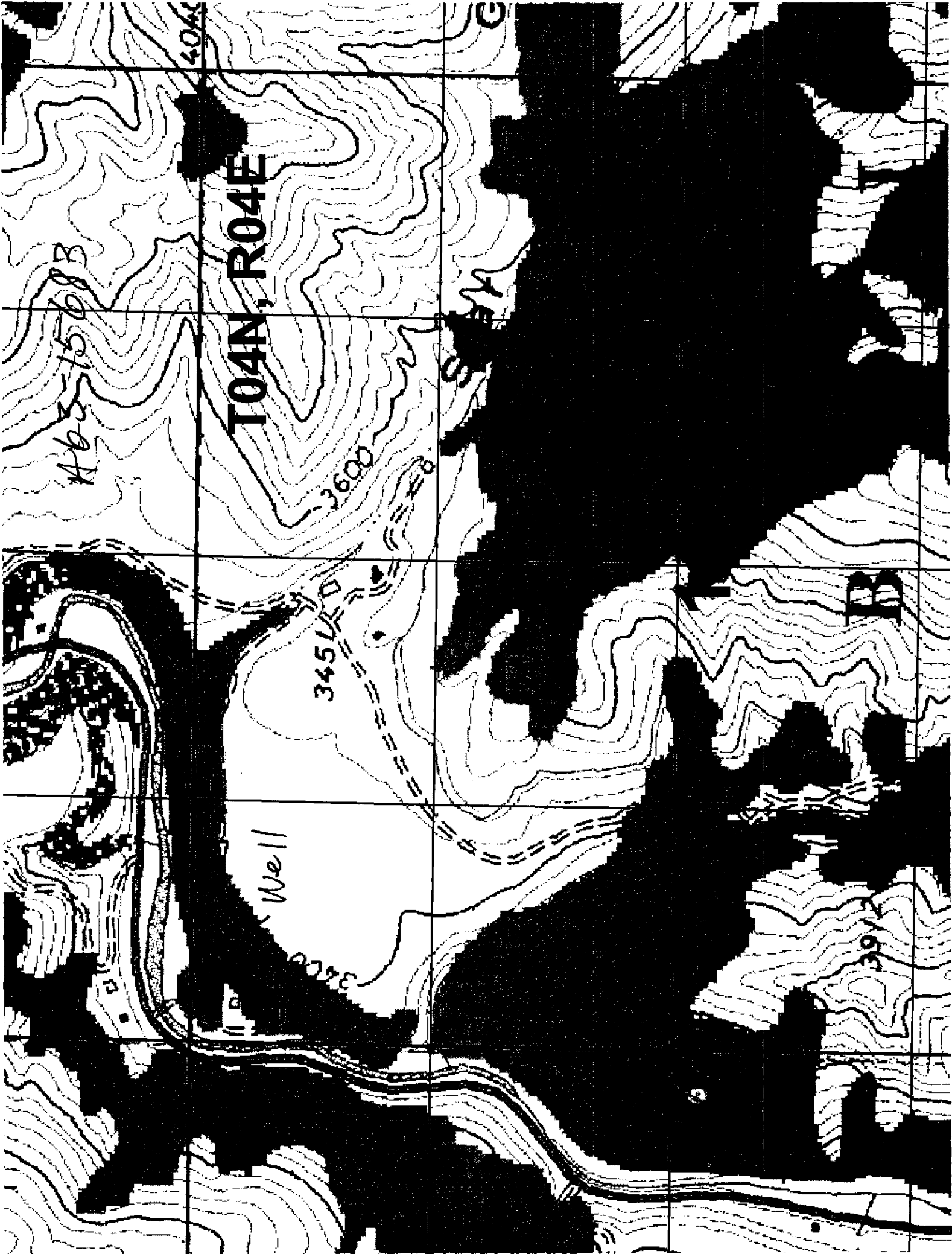
Signature

A63-15683

PHOTOS TAKEN 08/27/2001



PHOTO #1
POINT OF DIVERSION
AND PLACE OF USE



Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW
Claim	63 15677	HORACE CHAPMAN, E SPRING		04N04E11					
Claim	63 15677	HORACE CHAPMAN, E SPRING		04N04E11					
Claim	63 15683	EARL CHAPMAN, HOR GROUND WATEF		04N04E11					
Claim	63 5108	HORACE CHAPMAN, EARL CHAPMAN,		04N04E11			10		
Claim	63 5108	HORACE CHAPMAN, EARL CHAPMAN,		04N04E11		X			
Claim	63 15684	HORACE CHAPMAN, E SPRING		04N04E11					X
Right	63 5108	EARL CHAPMAN, HOR SPRING, STAR G		04N04E11			10		
Claim	63 15684	HORACE CHAPMAN, E SPRING		04N04E11					1
Claim	63 15683	EARL CHAPMAN, HOR GROUND WATEF		04N04E11					
Claim	63 2472	HORACE CHAPMAN, E SMITH CREEK		04N04E11					10
Rec	63 15676	EARL CHAPMAN, HOR GROUND WATEF		04N04E11				X	
Claim	63 15676	HORACE CHAPMAN, E GROUND WATEF		04N04E11					1
Claim	63 5108	HORACE CHAPMAN, EARL CHAPMAN,		04N04E11		X			
Right	63 2472	THOMAS C MAYNE, SMITH CREEK		04N04E11					10

No overlaps except 15677 for In. ?

NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Total

	(1.5)										1.5
					X						0
X											0
											10
											0
											0
											10
											1
X											0
	(30)	25	15								80
											0
											1
											0
	(30)	25	15								80

different field



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". The signature is written in dark ink and is positioned above the typed name and title.

Denise Buffington
Office Specialist 1
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 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,

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

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

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

RECEIVED
AUG 22 2001
 WATER RESOURCES
 WESTERN REGION

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
<i>ground water</i>	<u>A 63-15683</u>				
<i>spring</i>	<u>A 63-15677</u>				

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 <u>0</u>	_____
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 Laurie A. Lippin
TYPE Doc 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

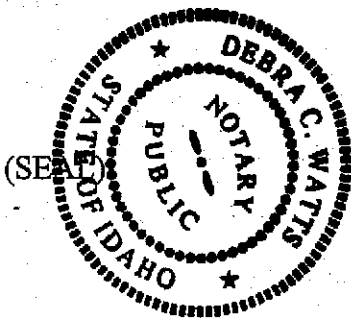
STATE OF IDAHO)

: 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

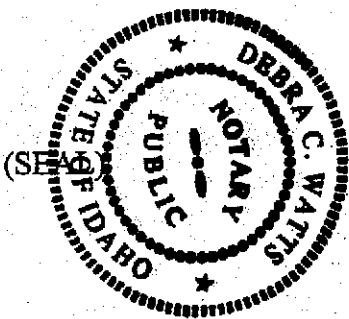
STATE OF IDAHO)

: 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;

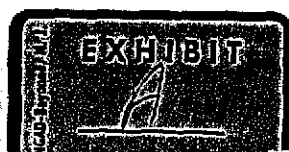
S. 09° 00' 00" E. 165.00 feet to a point on the south boundary of the NE1/4 NE1/4 Section 10;

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 Genge
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

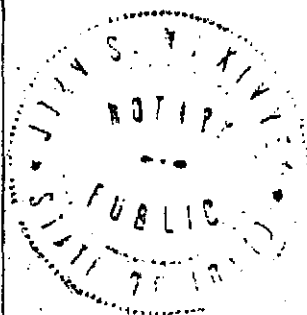
Earl Chapman
EARL CHAPMAN

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:

RECEIVED

JUL 12 2001

WATER RESOURCES
WESTERN REGION

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

63-15684, -5332, -2412, -15677

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

Previous Mailing Address: HC 33 Box 1470 Boise ID
82706

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

Telephone Number: (208) 343 0076

Signature of Claimant(s): Horace Chapman

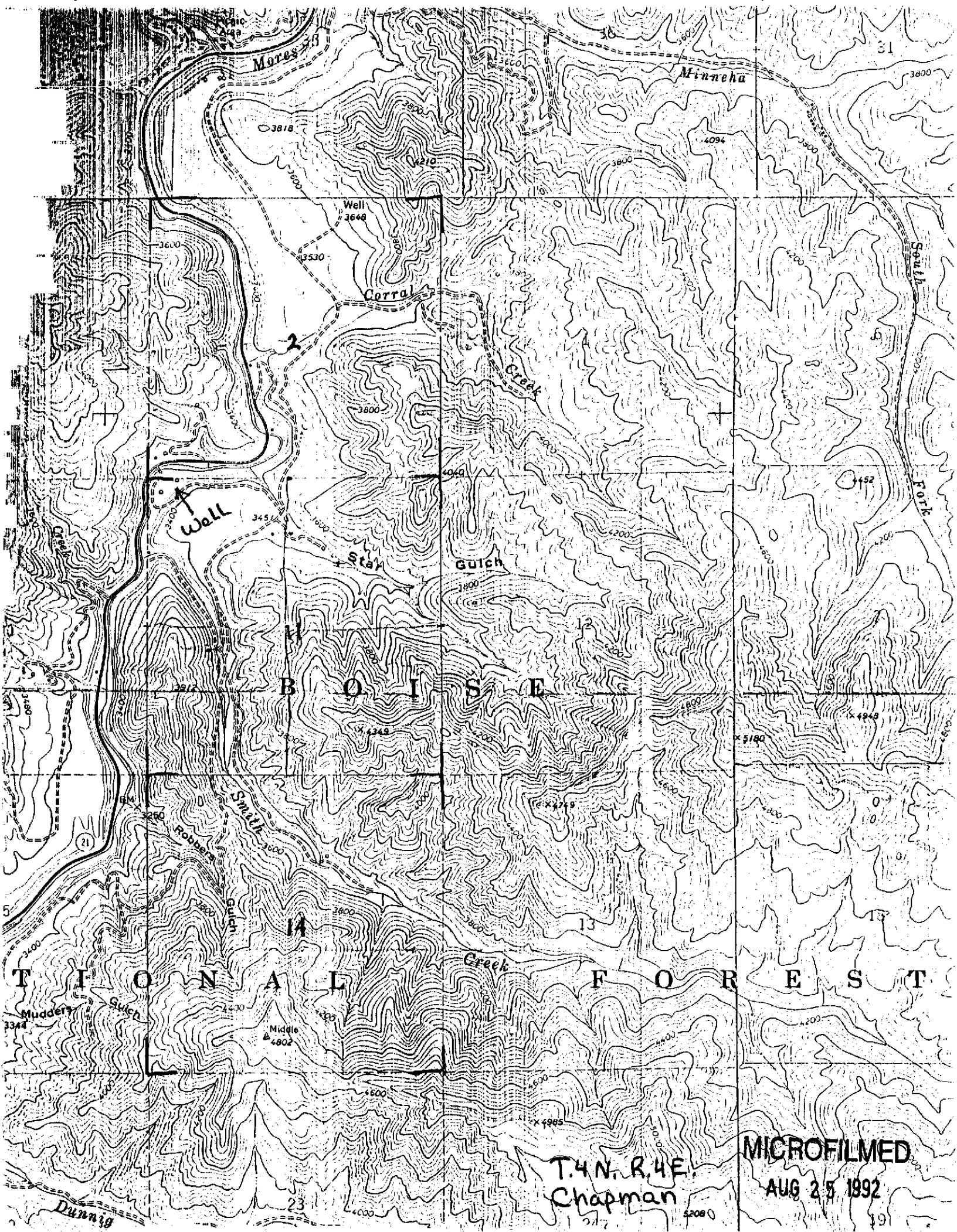
Please return this completed form to:

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



T. 4 N. R. 4 E.
Chapman

MICROFILMED
AUG 25 1992

CONVERSATION MEMORANDUM

Date 6-7-89 File # 63

NAME OF PARTY Chapman, Horace

EMPLOYEE Linda Werner

RE Period of use

D: 1-1 to 12-31

L: 4-1 to 11-30

Priority: 6-1-1940

Per Barry Marcus - attorney
in fact.

MICROFILMED

AUG 25 1992

12/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

C. Chapman Norace

CLAIM IDENT. NO.

63

DATE RECEIVED

5-19-89

CK #

5480-5477

AMOUNT \$

26 - 25

1. Is the name and address complete with zip code?

YES

NO

Required
Initials

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:

2A

Date:

6-6-89

Claim 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:

Checked by:

Date:

Comments:

MICROFILMED

AUG 25 1992