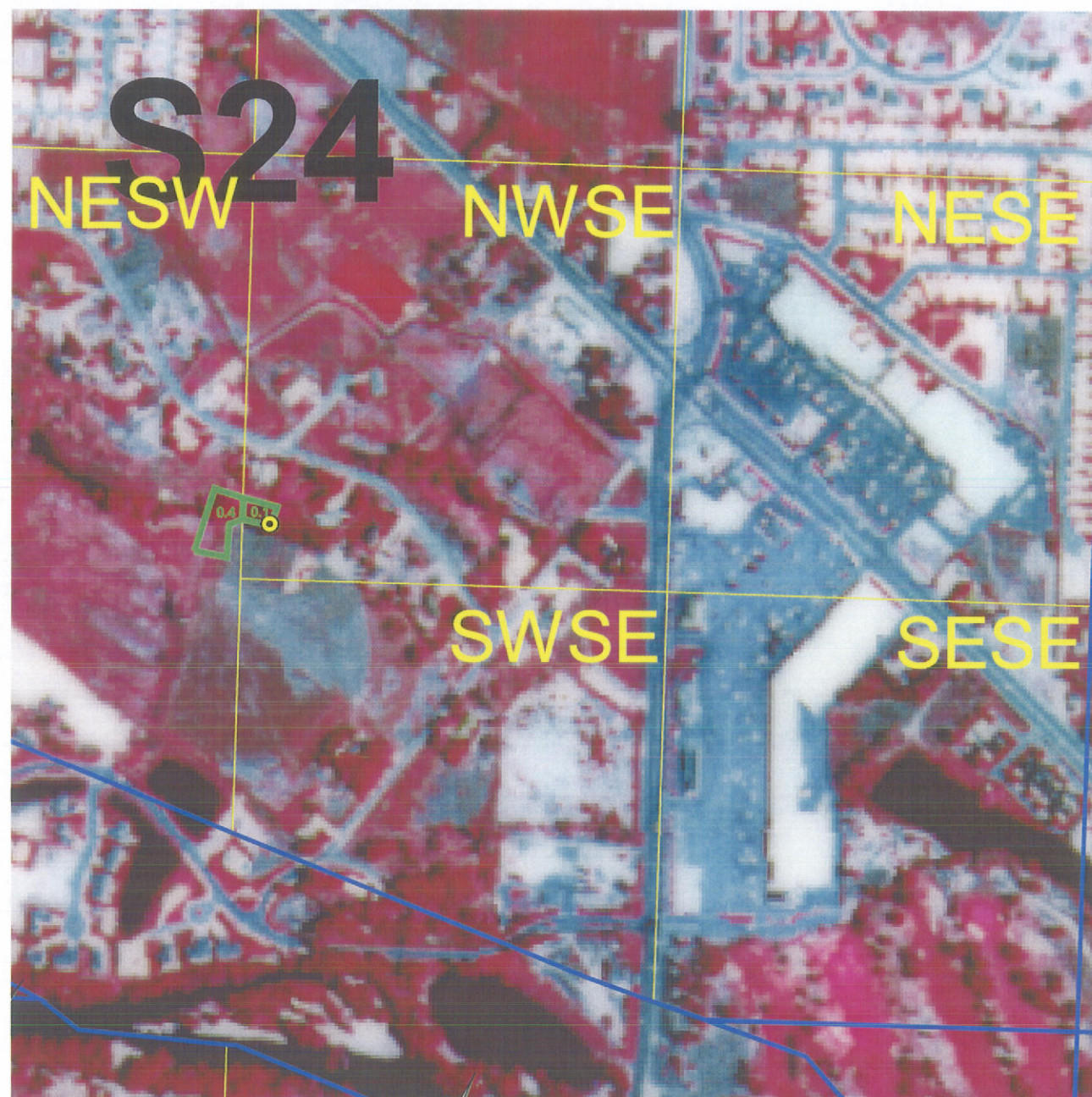


Idaho Department of Water Resources

**T04N, R01E,
S24**

Claim No: 63-04265
Prepared By: Kimberly Brown
Date: July 1, 2004



-  Point of Diversion
-  Place of Use
-  Section Lines
-  1/4 1/4

Acres Irrigated = 0.5



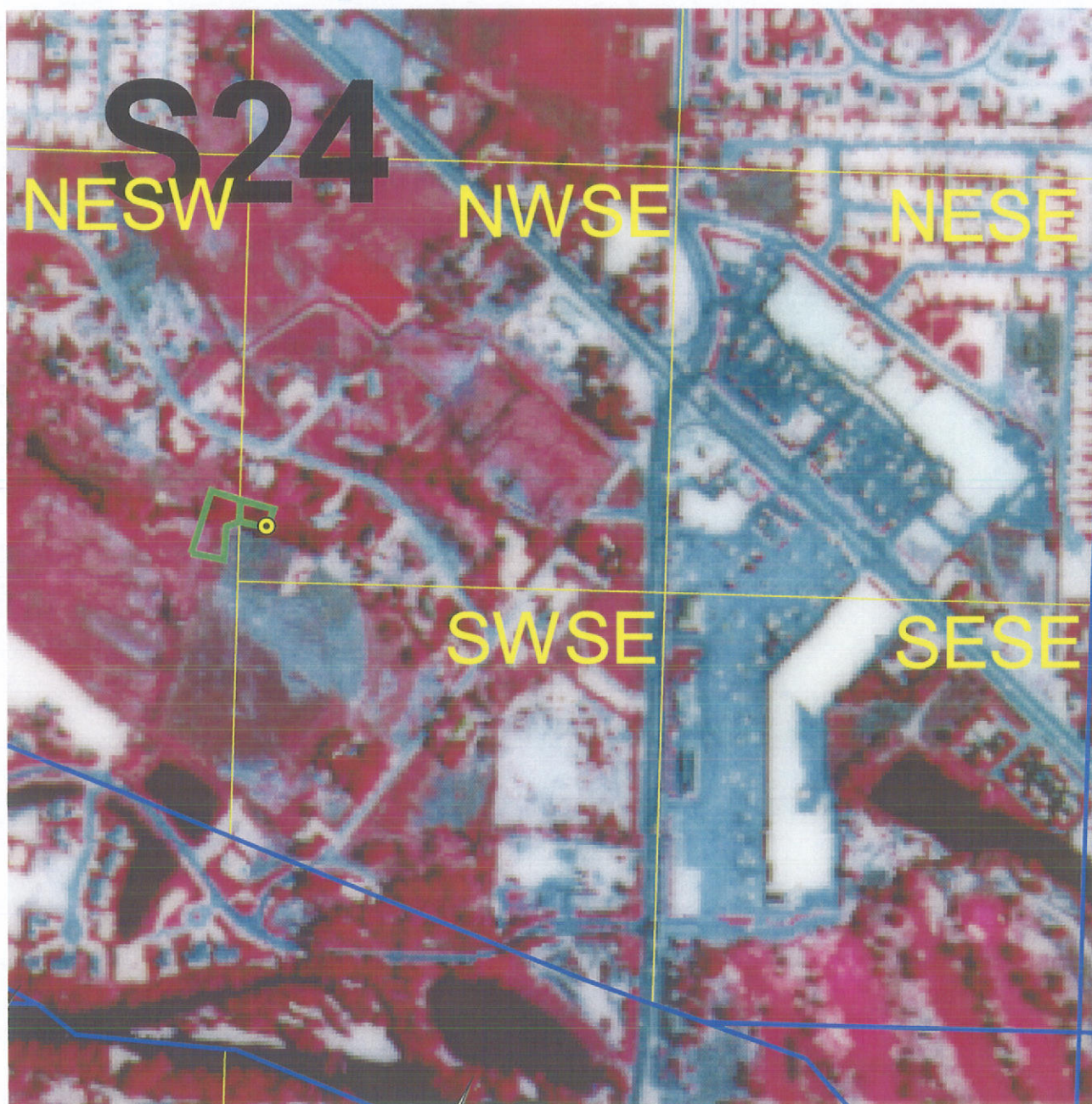
1987 NAPP

0 0.1 0.2 0.3 0.4 Miles

Idaho Department of Water Resources

**T04N, R01E,
S24**

Claim No: 63-04265
Prepared By: Kimberly Brown
Date: July 1, 2004



-  Point of Diversion
-  Place of Use
-  Section Lines
-  1/4 1/4



1987 NAPP

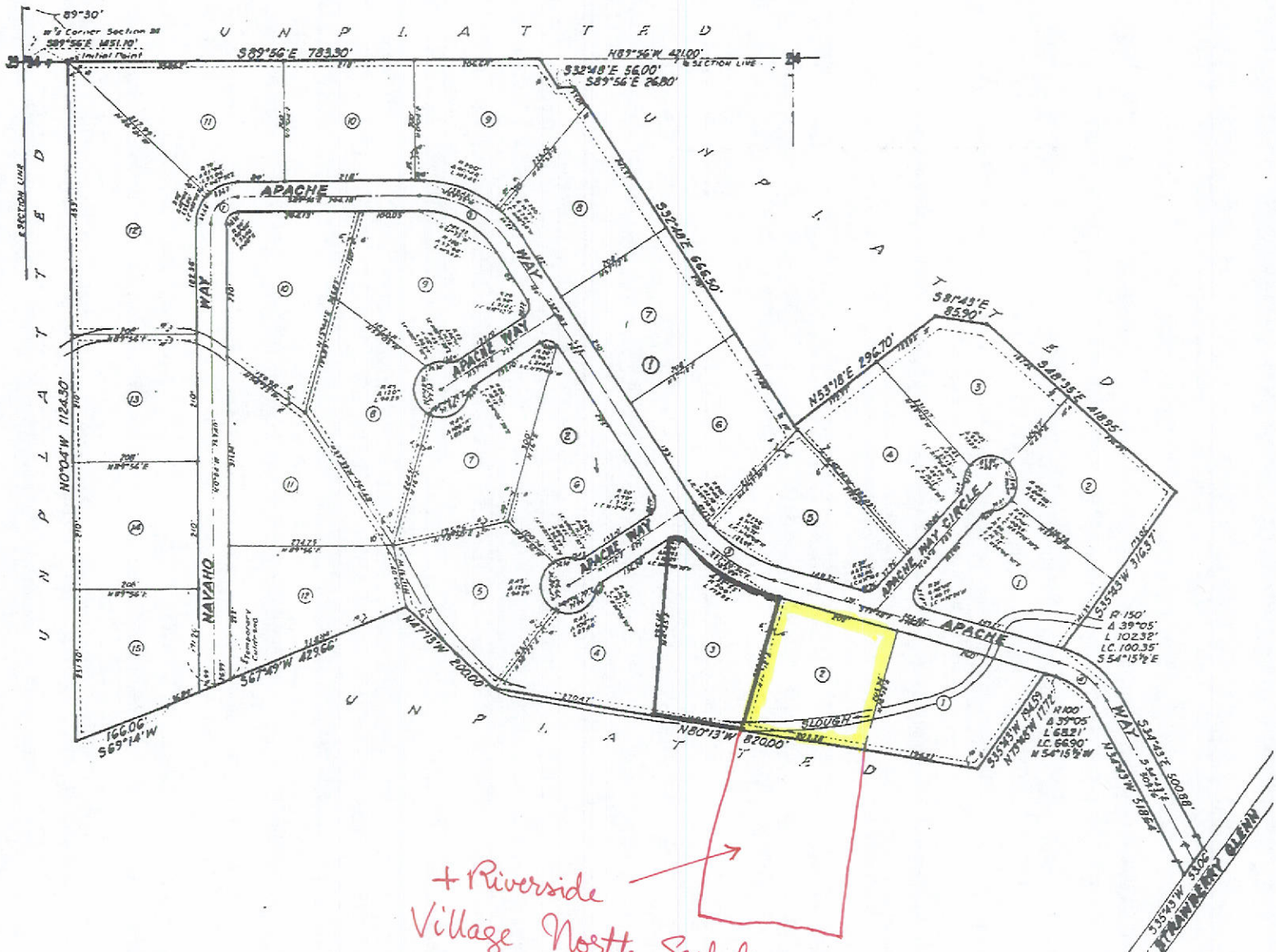
0 0.1 0.2 0.3 0.4 Miles



FLAKE COUNTRY SUBDIVISION

A PORTION OF THE N² S² SEC. 24, T.4N., R.1E., B.M.
ADA COUNTY, IDAHO.

While this map is a photographic reproduction of
that on file in either the recorder's or surveyor's
office, the Company assumes no liability for
variation, if any, with another or re-survey.



house - 0.194 AC Page 1 of 1
 + 0.5 (Inv. of 1/2 AC)
 0.694 AC



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Property Details for Parcel R2854100081

General Information

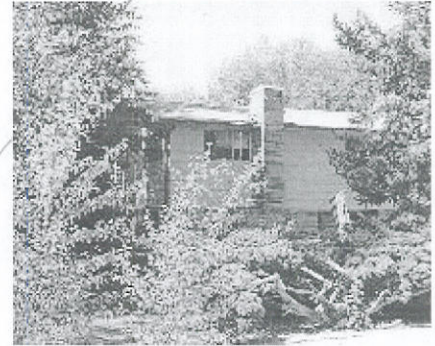
Property Acres: 0.581 / 0.588 AcreView
 Zone Code: A
 Primary Code Area: 06-17 Tax Districts
 Group Type: SUB
 Subdivision: FLAKE COUNTRY SUB
 Section: 4N1E24

Property Description

LOT 2 BLK 2
 OUT OF FLOOD DIST
 FLAKE COUNTRY SUB
 #99005423

Property Address

7711 W APACHE WAY
 BOISE, ID 83703



[Click to View Interactive Map](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.581	\$58,800	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$135,100	COST

Total Tentative Assessed Value: \$193,900

Parcel Valuation History

Assessed value for year 2004	\$193,900
Assessed value for year 2003	\$193,900
Assessed value for year 2002	\$187,400
Assessed value for year 2001	\$139,900
Assessed value for year 2000	\$139,900

Property Characteristics

Residential
 Land

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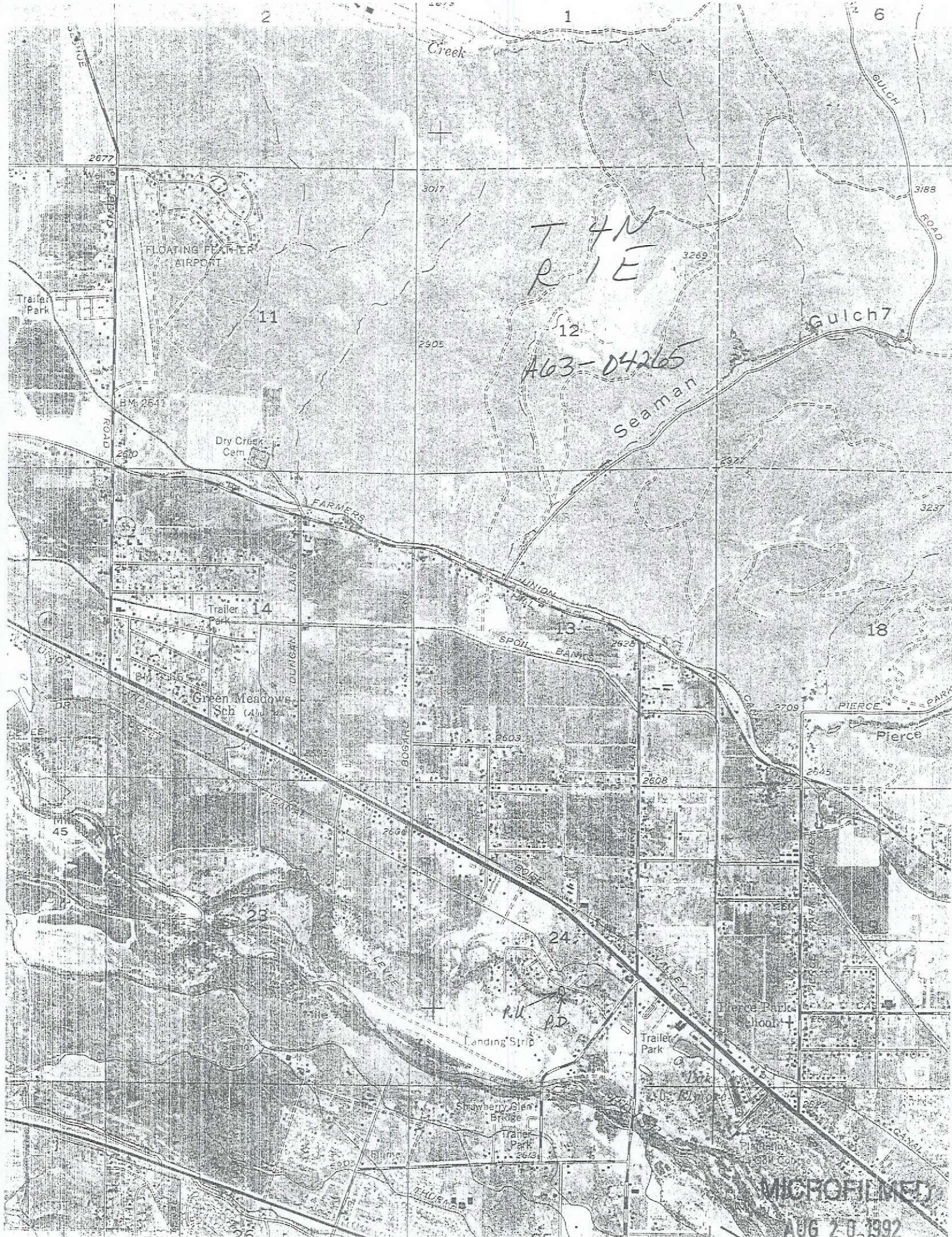
S24
NESW

NWSE

63-04265



SWSE



MICROFILMED
AUG 20 1992

RECEIVED

APR 21 2006

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 63-4265

(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ADA COUNTY DRAINAGE DISTRICT NO. 2

Address: 455 S. Third Street
Boise, Idaho 83701

Daytime Phone: 208-342-4591

Name & Address of Attorney, if any:

S. Bryce Farris
Ringier Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: Lynne Marcus
Craig Marcus

Address: 7711 Apache Way
Boise, Idaho 83714

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

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 ☒ This water right should not exist.

 ☐ This water right was not recommended, but should be
 recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Ada County Drainage District No. 2 ("DD#2") and the source of said claim is a drain which was constructed or enlarged by or for DD#2. Said drain is owned, operated, maintained and controlled by DD#2 and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by DD#2. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

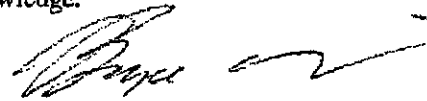
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

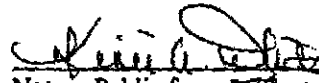
That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on:

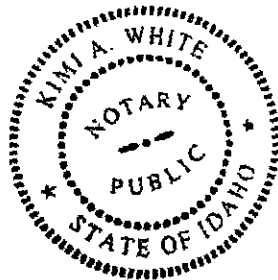
April 20, 2016



Notary Public for

Residing at:

My Commission Expires:



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.

CERTIFICATE OF MAILING

I certify that on April ²⁴~~22~~, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Lynne Marcus
Craig Marcus

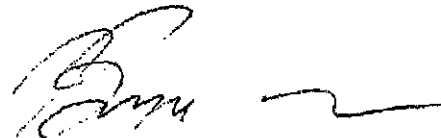
Address: 7711 Apache Way
Boise, Idaho 83714

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

04/26/2005

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

RIGHT NUMBER: 63-4265

NAME AND ADDRESS: LYNNE MARCUS
7711 APACHE WAY
BOISE ID 83714

CRAIG MARCUS
7711 APACHE WAY
BOISE ID 83714

SOURCE: UNNAMED SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 03/01/1967

POINT OF DIVERSION:

T04N R01E S24 SWNWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.020 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T04N R01E S24 Lot 3 NESW 0.4

T04N R01E S24 NWSE 0.1

0.5 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

PROPERTY IS ALSO KNOWN AS A PORTION OF LOT 2, BLK 2, FLAKE COUNTRY SUBDIVISION & A PORTION OF LOT 1, BLK 5, RIVERSIDE VILLAGE NORTH SUBDIVISION.

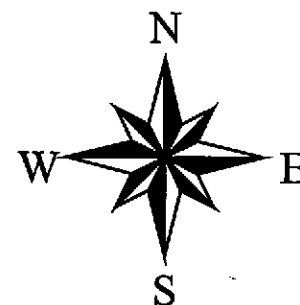
Idaho Department of Water Resources

**T04N, R01E,
S24**

**Claim No: 63-04265
Prepared By: Kimberly Brown
Date: July 1, 2004**

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4

Acres Irrigated = 0.5



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles

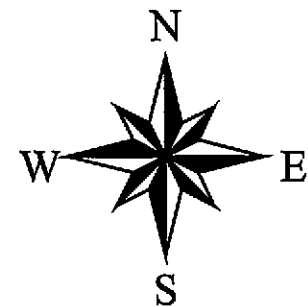
A horizontal scale bar with four segments. Each segment is labeled with a number: '0', '0.1', '0.2', '0.3', and '0.4 Miles'. The bar is black with white text and markings.

Idaho Department of Water Resources

**T04N, R01E,
S24**

**Claim No: 63-04265
Prepared By: Kimberly Brown
Date: July 1, 2004**

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles

A horizontal scale bar with four segments. Each segment is labeled with a number: '0', '0.1', '0.2', '0.3', and '0.4 Miles' at the far right end. The bar is black with white markings.

#63-15472:

House → 0.194 ACRE
 + 0.5 (1/2 Acre of Irrigation of lawn)
 = 0.694 AC

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4265

WATER RIGHT NUMBER: 63-4265 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNNE MARCUS ✓ 7711 APACHE WAY BOISE, ID ~~83703~~ 83714 (208)853-3812
Current Owner	CRAIG MARCUS ✓ 7711 APACHE WAY BOISE, ID ~~83702~~ 83714
Original Owner	MARVIN STRATTON

Priority Date: 03/01/1967 ✓
 Basis: ~~Statutory Claim~~ Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED ~~STREAM~~ Slough ✓	BOISE RIVER ✓

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/01 to	10/31 11/15	~~0.040~~ CFS ✓ 0.02	
	<u>Total Diversion:</u>		~~0.040~~ CFS ✓ 0.02	

<u>Location of Point(s) of Diversion</u>		
UNNAMED ~~STREAM~~ Slough ✓	SW1/4NW1/4SE1/4 ✓	Sec. 24, Twp 04N, Rge 01E, B.M. ✓
ADA County ✓		

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	24																	.5 ✓

Total Acres: 0.5 ✓

Conditions of Approval:Remarks:

1. General LOT 2, BLOCK 2, BLAKE COUNTRY SUBDIVISION ✓

ADD JO1 - Place of use is also known as
 portion of lot 2, Blk 2, Blake Country
 Subdivision portion of
 lot 1, Blk 5, Riverside
 Village North Subdivision

Portion of
 Parcel Nos: R 2854100081, R 2854100080, # 30524428 202

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

Pump from slough into pipeline with gravity flow irrigation.

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-15473, 63-15472

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

No, 63-15473 is an instream stockwater claim.

No, 63-15472 is a ground water source for domestic purposes.

WATER USES

☐ No change

☐ Different Uses

Season of use is 3/1 to 11/15.

0.5 ACRES x 4.5 AF/AC = 2.25 (V) * 0.02 cfs x 1.9835 x 260 days = 10.3 af/annum

Use Irrigation From To 11/15 Amount 0.02 CFS AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

* I reduced the cfs from the claimed 0.04 cfs to 0.02 cfs since it covers 0.5 ACRE - no more than 1" per acre.

TOTAL VOLUME - Groundwater only

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

☒ Changes found, the new total is, Amount 0.02 CFS AFA

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

~~0.05 AC x 4.5 af/acre = 2.25 af/annum (V) 0.02 cfs x 1.9835 x 260 da~~
for ground water only

NON-IRRIGATION USES:

☒ No change (None)

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☐ No Change

☒ Changes shown below: Government lot 3 in NE 8W, S. 24

* electronic back file available

Field Exam Date 7.1.04

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 51.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information Govt. lot 3 in NESW
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) A63-4265

Owner: Lynne & Craig Marcus Phone No. (208) 853-3812

Current Address: 7711 Apache Way Boise (83714)

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address (new zip code - 83714)
- ☐ NEW ADDRESS
- ☒ How long owned property? 1974

Accompanied by: N/A

PRIORITY DATE

- ☒ No change - Complete evidence submitted or not necessary Affidavit signed by Marvin Stratton, previous owner.
- ☐ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?
de, surface water from unnamed blough

Priority date, per claimant, is: 3/1/1967

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

Source: Tributary to

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										L3									

Overlap with other water rights: 63-4026A

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
No, the two parcels covered under 63-4026A
are different places of use.

Delivery System Narrative: Pipeline

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS (OVER)

Place of use is also known as a portion of lot 2,
Blk 2, Flake Country Subdivision and a portion of
lot 1, Blk 5, Riverside Village North.

Parcel Nos: Portions of R 2854100081,
R 285 4100080, &
S 05244 28202.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

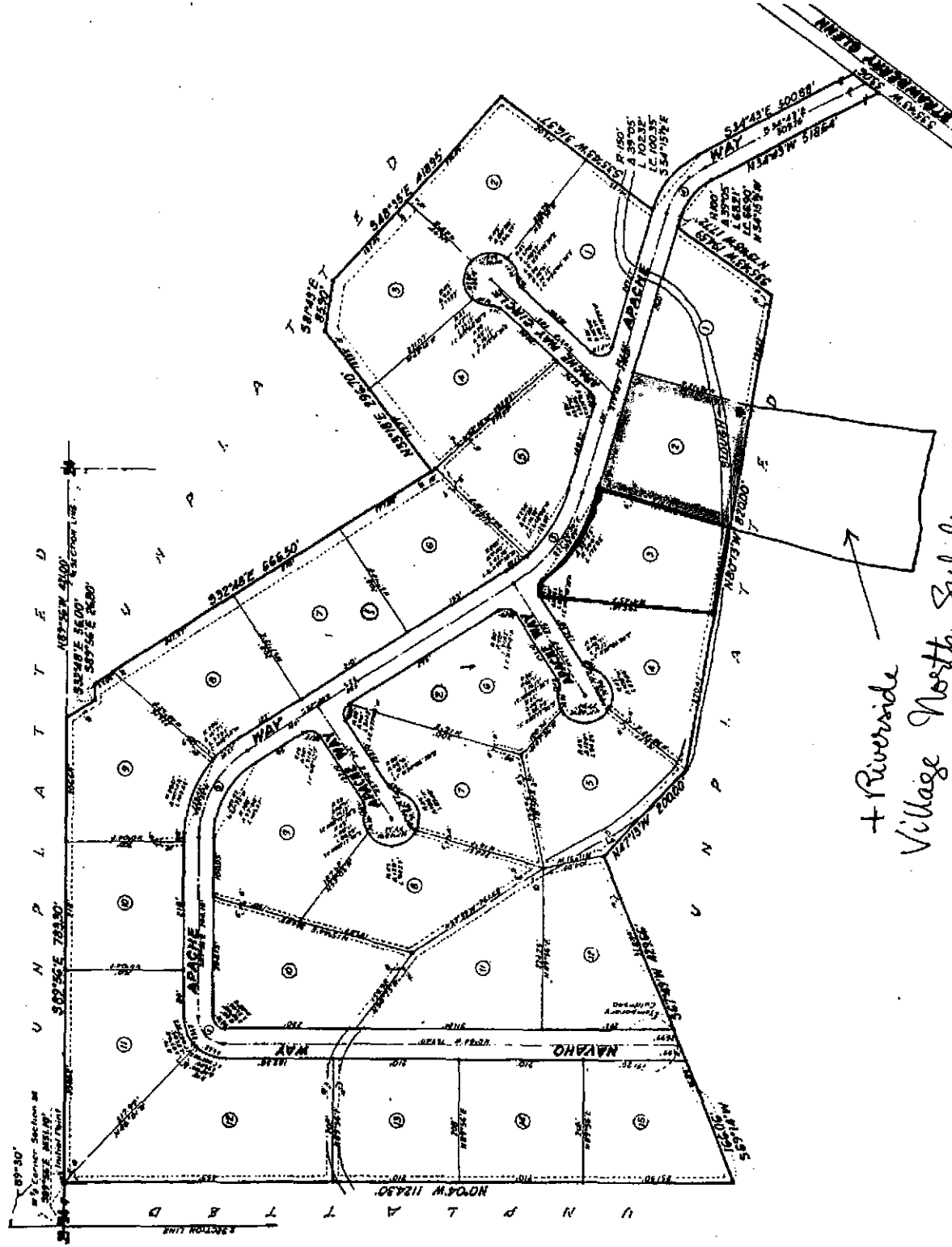
DATE EXAM CONDUCTED: 7-1-04 (in office)

FIELD EXAMINER: Kimberly Brown

FLAKE COUNTRY SUBDIVISION

A PORTION OF THE NE 31 SEC. 24, T.4N., R.1E., S.8M.
ADA COUNTY, IDAHO.

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+ Riverside
Village North Subdivision

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Property Details for Parcel S0524428201

General Information

Property Acres: 0.460
 Zone Code: A
 Primary Code Area: 06-17 Tax Districts
 Group Type: SECT
 Subdivision: 4N 1E 24
 Section: 4N1E24

Property Description

PAR #8200 OF S2
 OUT OF FLOOD DIST
 SEC 24 4N 1E

Property Address

W APACHE WAY
 BOISE, ID 83714

AcreView -
 .265



NWSE

(below house)

**No Image
Available**

[Click to View Interactive Map](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.460	\$16,600	MARKET

Total Tentative Assessed Value: \$16,600

Parcel Valuation History

Assessed value for year 2004	\$16,600
Assessed value for year 2003	\$15,900
Assessed value for year 2002	\$13,800
Assessed value for year 2001	\$13,800
Assessed value for year 2000	\$13,800

Property Characteristics

Land

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water passes through
 NW of 202

& Southern of 080 & 081

house - 0.194 AC Page 1 of 1
 + 0.5 (Inv. of 1/2 AC)
 0.694 AC

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Property Details for Parcel R2854100081

General Information

Property Acres: 0.581 / 0.588 AcreView
 Zone Code: A
 Primary Code Area: 06-17 Tax Districts
 Group Type: SUB
 Subdivision: FLAKE COUNTRY SUB
 Section: 4N1E24

Property Description

LOT 2 BLK 2
 OUT OF FLOOD DIST
 FLAKE COUNTRY SUB
 #99005423

Property Address

7711 W APACHE WAY
 BOISE, ID 83703



[Click to View Interactive Map](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.581	\$58,800	MARKET
Primary	410-RES IMPROVEMENT	0.000	\$135,100	COST

Total Tentative Assessed Value: \$193,900

Parcel Valuation History

Assessed value for year 2004	\$193,900
Assessed value for year 2003	\$193,900
Assessed value for year 2002	\$187,400
Assessed value for year 2001	\$139,900
Assessed value for year 2000	\$139,900

Property Characteristics

Residential
 Land

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Property Details for Parcel R2854100080

General Information

Property Acres: 0.424
Zone Code: A
Primary Code Area: 06-3 Tax Districts
Group Type: SUB
Subdivision: FLAKE COUNTRY SUB
Section: 4N1E24

Property Description

LOT 2 BLK 2
 IN FLOOD DIST
 FLAKE COUNTRY SUB
 #99005423

Property Address

7711 W APACHE WAY
 BOISE, ID 83703

NES&W



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Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.424	\$21,200	MARKET

Total Tentative Assessed Value: \$21,200

Parcel Valuation History

Assessed value for year 2004	\$21,200
Assessed value for year 2003	\$21,200
Assessed value for year 2002	\$10,000
Assessed value for year 2001	\$15,000
Assessed value for year 2000	\$15,000

Property Characteristics

Land

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Property Details for Parcel S0524428202

General Information

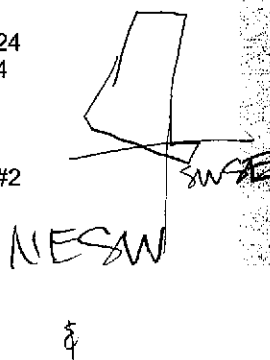
Property Acres: 0.540
Zone Code: A
Primary Code Area: 06-3 Tax Districts
Group Type: SECT
Subdivision: 4N 1E 24
Section: 4N1E24

Property Description

PAR #8202 OF LOT 1 BLK 5
 RIVERSIDE VILLAGE NORTH #2
 & OF S2
 SEC 24 4N 1E
 #9275373

Property Address

7711 W APACHE WAY
 BOISE, ID 83714



[Click to View Interactive Map](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	200-RES LOT OR TRACT	0.540	\$17,000	MARKET

Total Tentative Assessed Value: \$17,000

Parcel Valuation History

Assessed value for year 2004	\$17,000
Assessed value for year 2003	\$16,300
Assessed value for year 2002	\$14,200
Assessed value for year 2001	\$14,200
Assessed value for year 2000	\$14,200

Property Characteristics

Land

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Lake Elmore (as source)

Original Claim 63-4026 (Flake):

Waste water from Lake Elmore. Headgate and cement ditch from lake to property.
(Elmore Lake constructed in 1910.) P.O.D.: SESE, Sec 24, T04N, R01E

Description from 63-4026A (Marcus):

Headgate at Lake Elmore, ditch to place of use.

Description from 63-4026B (Eddy):

Water exits Boise River via Farmers Union Canal, diverts through pipes and ditches to Lake Elmore. From Lake Elmore water runs through three ponds in Plantation residential development to box behind Earnst (Glenwood) then piped under Glenwood. Reemerges and is run above ground to Strawberry Glen, piped under the street, then runs in open ditches to property. The ditch originally drained in a relatively straight line from Strawberry Glen to property, but was rerouted by developers at Riverside Village approximately 8 to 10 years ago. (Wildlife pond [and storage] approximately 25' by 300' located at west end of property).

Description from 63-4026C (Totorica):

[This comment written by Steve Lester] Lake Elmore appears to be supplied by waste water from Plantation Golf Course, but the lake is listed as source since it appears on orthophoto. Excessive flow claimed per original statutory claim (ditch loss, etc.). Rate $(2 \text{ AC}/40\text{AC})(2.64 \text{ cfs}) = 0.13 \text{ cfs}$

Headgate and diversion ditch from lake. Ditch runs west-ward towards property for gravity irrigation.

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM POD REVIEW REPORT ADJUDICATION CLAIM NUMBER: 63-4265

07/01/2004

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4864	Claim	04N	01E	24	NW	SE		GROUND WATER	GLENWOOD INC
63-15642	Claim	04N	01E	24	NW	SE		GROUND WATER	EDWIN H FELL
63-7986	Claim	04N	01E	24	NW	SE		UNNAMED DRAIN BOISE RIVER	JOHN W THISTLEWOOD
63-7739	Claim	04N	01E	24	NW	SE		UNNAMED DRAINS SINKS	RITA M FELL
63-16550	Claim	04N	01E	24	NW	SE		GROUND WATER	J ROY COATS
63-15472	Claim	04N	01E	24	NW	SE		~~GROUND WATER~~ <i>diff. source domestic use</i>	LYNNE MARCUS
~~63-4265~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SE~~		~~UNNAMED STREAM BOISE RIVER~~	~~LYNNE MARCUS~~
63-15473	Claim	04N	01E	24	NW	SE		~~UNNAMED STREAM BOISE RIVER~~ <i>diff. source instream stock water</i>	CRAIG MARCUS
63-15470	Claim	04N	01E	24	NW	SE		UNNAMED STREAM BOISE RIVER	FENNA N ROBERTSON
63-239B	Water Right	04N	01E	24	NW	SE		BOISE RIVER SNAKE RIVER	SIDMAN I BARBER
63-4864	Water Right	04N	01E	24	NW	SE		GROUND WATER	HARRY G GARLICK
63-15642	Water Right	04N	01E	24	NW	SE		GROUND WATER	EDWIN H FELL
63-7986	Water Right	04N	01E	24	NW	SE		UNNAMED DRAIN BOISE RIVER	THOMAS B PETERSON
63-7739	Water Right	04N	01E	24	NW	SE		UNNAMED DRAINS SINKS	MARGARET DOMINICK
~~63-4265~~	~~Water Right~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SE~~		~~UNNAMED STREAM BOISE RIVER~~	~~CRAIG MARCUS~~
63-15472	Water Right	04N	01E	24	NW	SE		<i>dup.</i> GROUND WATER	CRAIG MARCUS
63-15473	Water Right	04N	01E	24	NW	SE		<i>dup.</i> UNNAMED STREAM BOISE RIVER	LYNNE MARCUS
63-15470	Water Right	04N	01E	24	NW	SE		UNNAMED STREAM BOISE RIVER	FENNA N ROBERTSON

no overlap

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4265

07/01/2004

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2406	Claim	04N	01E	24	NE	SW		IRRIGATION	20/29248	☒ DRAINAGE DIST NO 2
1026A	Claim	04N	01E	24	NE	SW	<i>separate POU</i>	IRRIGATION	0.5/1.1	LYNNE MARCUS
1026B	Claim	04N	01E	24	NE	SW		IRRIGATION	5.3/5.3	MICHAEL J EDDY
~~4265~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~NE~~	~~SW~~		~~IRRIGATION~~	~~0.4/0.5~~	~~LYNNE MARCUS~~
4651	Claim	04N	01E	24	NE	SW		IRRIGATION	6/6	ALICE M FLAVELLE
7972	Claim	04N	01E	24	NE	SW		IRRIGATION	1/1	MICKEY W MATTHEWS
10119	Claim	04N	01E	24	NE	SW		IRRIGATION	1/1	PATRICIA WARE
2406	Water Right	04N	01E	24	NE	SW		IRRIGATION	20/29248	☒ DRAINAGE DIST NO 2
4026	Water Right	04N	01E	24	NE	SW		IRRIGATION	5/40	DENNIS E FLAKE
7838	Water Right	04N	01E	24	NE	SW		IRRIGATION	1/1	LYLE G SAXTON
7972	Water Right	04N	01E	24	NE	SW		IRRIGATION	1/1	MICKEY W MATTHEWS
10119	Water Right	04N	01E	24	NE	SW		IRRIGATION	1/1	RONALD WARE
2406	Claim	04N	01E	24	NW	SE		IRRIGATION	30/29248	☒ DRAINAGE DIST NO 2
1026A	Claim	04N	01E	24	NW	SE	<i>different POU</i>	IRRIGATION	0.3/1.1	LYNNE MARCUS
~~4265~~	~~Claim~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SE~~		~~IRRIGATION~~	~~0.1/0.5~~	~~LYNNE MARCUS~~
7739	Claim	04N	01E	24	NW	SE		IRRIGATION	2/2	RITA M FELL
7986	Claim	04N	01E	24	NW	SE		IRRIGATION	2/2	JOHN W THISTLEWOOD
2406	Water Right	04N	01E	24	NW	SE		IRRIGATION	30/29248	☒ DRAINAGE DIST NO 2
4026	Water Right	04N	01E	24	NW	SE		IRRIGATION	5/40	DENNIS E FLAKE
~~4265~~	~~Water Right~~	~~04N~~	~~01E~~	~~24~~	~~NW~~	~~SE~~		~~IRRIGATION~~	~~1/1~~	~~CRAIG MARCUS~~
7739	Water Right	04N	01E	24	NW	SE		IRRIGATION	2/2	MARGARET DOMINICK
7986	Water Right	04N	01E	24	NW	SE		IRRIGATION	2/2	THOMAS B PETERSON

- NO overlap - separate POUs.

Overlap review -

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15473

WATER RIGHT NUMBER: 63-15473

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNNE MARCUS 7711 APACHE WAY BOISE, ID 83703 (208)853-3812
Current Owner	CRAIG MARCUS 7711 APACHE WAY BOISE, ID 83702

Priority Date: 03/01/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM <i>Slough</i>	BOISE RIVER ✓

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NE1/4SW1/4	Sec. 24, Twp 04N, Rge 01E, B.M.
ADA County	(Ending of Reach)	
UNNAMED STREAM	SW1/4NW1/4SE1/4	Sec. 24, Twp 04N, Rge 01E, B.M.
ADA County	(Beginning of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	24									X						X		

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15473

Remarks:

1. Explanatory STOCKWATER, 5 RANGE CATTLE, HORSES, AND GOATS PARCEL NO. S0524428201

Comments:

1. CORR1 2/19/1997 COPIED FROM REMARKS
Comment: INSTREAM STOCKWATER

overlap review

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15472

WATER RIGHT NUMBER: 63-15472

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG MARCUS 7711 APACHE WAY BOISE, ID 83702
Current Owner	LYNNE MARCUS 7711 APACHE WAY BOISE, ID 83703 (208)853-3812

Priority Date: 12/01/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4SE1/4	Sec. 24, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	24									X					X			

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15472

1. Explanatory PARCEL NO. R2854100081 PROPERTY ALSO KNOWN AS LOT 2, BLK 2, FLAKE COUNTRY SUBD.

Comments:

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
C007035	25.00	63	15472		Claim
C007035	25.00	63	15473		Claim
C007035	51.00	63	4265		Claim
C007035	51.00	63	4026 A		Claim

NESW

NWSE

16-265

SWSE

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS*
GALE M. MERRICK
MICHAEL CHRISTIAN†
TRENT MARCUS
DANIEL R. HARDEE

LAW OFFICES
MARCUS, MERRICK, CHRISTIAN & HARDEE LLP
THE MARCUS LAW BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

*Also Admitted to the California State Bar

† Also Admitted to the Washington State Bar

September 23, 2003

RECEIVED

SEP 24 2003

WATER RESOURCES
WESTERN REGION

Kimberly Brown
Water Resource Agent
Adjudication Bureau
Department of Water Resources
State of Idaho
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Craig and Lynne Marcus; Evidence of Priority; Claim Nos. A63-4026A
and A63-4265

Dear Kimberly:

I am enclosing a copy of your September 4, 2003 letter to me for your use in identifying the above claims, together with a copy of the computer printout sheets regarding each water right number which accompanied your letter. Claim 63-4265 relates to Lot 2, Block 2, Flake Country Subdivision (I notice the name of the subdivision is misspelled at the bottom of the document that accompanied your letter pertaining to that claim). You might recall that I called you a couple of weeks ago and discussed the type of evidence that would be satisfactory and I believe I have compiled and am enclosing that evidence.

Concerning Claim No. A63-4265, with a priority date of March 1, 1967, I am enclosing the original Affidavit of Marvin Stratton who owned the property at that time and applied the water to the beneficial use as described in the claim. Mr. Stratton signed the Affidavit September 16, 2003. His use continued until I purchased the property from him and took possession in early June 1974 and I have continuously lived on the property since then. It is my home and I have continuously applied water to the same beneficial use.

Concerning Claim A63-4026A with a priority date of March 1, 1936, I am enclosing a copy of the Ada County Board of County Commissioners Findings of Fact and Conclusions of Law in Ada County File Nos. 87-8-PDR/87-5-ZC/87-5-PR the original of which was signed by two of the County Commissioners December 14, 1987, and their signatures attested to by the Ada County Clerk. On the last page, in Condition of Approval 25, the Commissioners recited their finding concerning the 1936 Flake water right. You will notice from the water right claim that the original owner of my property was Dennis Flake. I was

Kimberly Brown
September 23, 2003
Page 2

involved in the proceeding before the County Commissioners because I wanted to make sure that the subdivision development on property adjacent to my property did not interfere with the 1936 Flake water right appurtenant to my property. That water right is used on an unsubdivided acre which is immediately adjacent to the one acre parcel in Flake County Subdivision where my home is located. Mr. Flake originally had many acres that he had irrigated beginning in 1936, including my unsubdivided acre. He sold that acre to Mr. Stratton and when I purchased my home, I purchased it from Mr. Stratton. Mr. Flake continued to irrigate many adjacent acres after I purchased in 1974 and later sold his property to the developers who initiated the proceedings before the Ada County Commissioners culminating in the enclosed Findings of Fact and Conclusions of Law. I have continued irrigating the acre and maintaining livestock on it to the present.

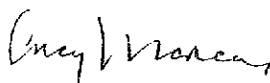
I hope the enclosed documentation is sufficient evidence. If it is not, please let me know.

Thank you for talking to me regarding the matter and for your consideration.

Best personal regards.

Very truly yours,

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


Craig Marcus

CM:da
Enclosures

AFFIDAVIT

STATE OF UTAH

COUNTY OF Utah ss.

The undersigned being first duly sworn upon oath, deposes and says:

That he is competent to testify to the matters stated herein and does so based upon his knowledge, information and belief as follows:

1. The undersigned and his wife resided in their home at 7711 Apache Way, Boise, Idaho, prior to the time they sold it to Craig and Lynne Marcus in 1974.
2. The undersigned resided at said address in 1967 and irrigated garden and lawn area at said address by using water from an unnamed stream which flowed through their property at said address, the date water was first applied to irrigation use as aforesaid being March 1, 1967, and the water was pumped from the stream into a pipeline with gravity flow irrigation.
3. The place of use of said water is SW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 24, T4NR1E, Boise Meridian, Ada County, Idaho.
4. The address of the property where the water was applied to said beneficial use is 7711 Apache Way, Boise, Idaho 83703.
5. Attached hereto, marked Exhibit A and by reference made a part hereof, is a copy of Claim to a Water Right executed by the undersigned and Craig Marcus June 3, 1974, pertaining to the above-described use of water at said address which Claim of Right is Claim No. 63-4265. The property where the water was used as aforesaid is Lot 2, Block 2, Flake Country Subdivision, Ada County, Idaho.

6. The matters and facts contained in attached Exhibit A are accurate.

Melissa J. Zurcher

SUBSCRIBED AND SWORN TO before me this 11th day of September, 2003.

Melissa J. Zurcher
Notary Public for State of Utah
Residing at Pleasant Grove, Utah
My Commission Expires: 7/30/06

(SEAL)





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

September 4, 2003

GRAIG & LYNNE MARCUS
7711 APACHE WAY
BOISE, ID 83703

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-04026A & A63-04265

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You 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 historical use of the water for a beneficial use 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.

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. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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 SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 2, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.



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

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-04026A & A63-04265

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that CRAIG MARCUS &/or MARVIN STRATTON
(name of claimant)
of 7711 Apache Way, Boise, Idaho 83702, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to Boise River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed stream
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>.04</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>March 1</u>	To	<u>Oct. 31</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri.. stock etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) March 1, 1967

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW ¼ SE ¼, Sec. 24 Twp. 4 N. Rge. 1 E. B.M. County of Ada
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump from stream to pipeline with gravity flow irrigation.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

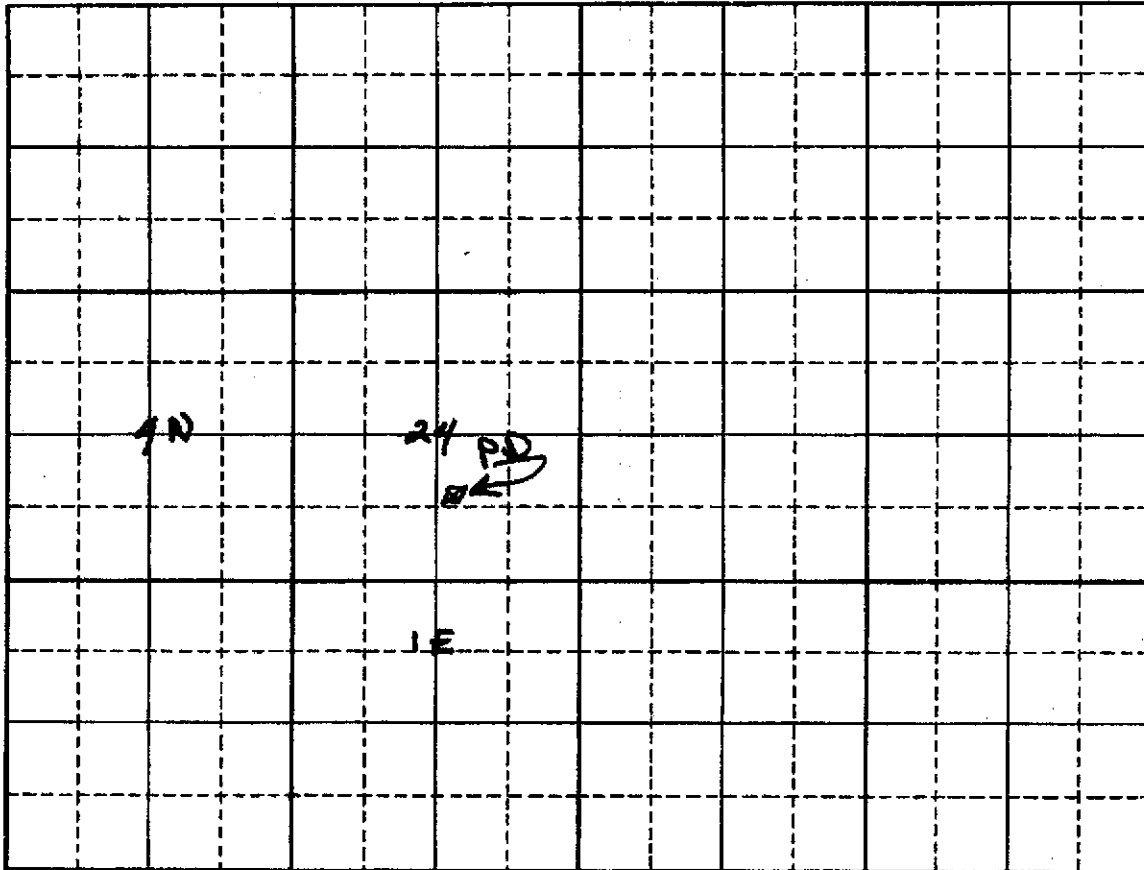
[illegible]

Total No. of acres 0.5

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Located on Lot 2, Blk. 2, Flake Country Subd.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Craig Mennan
Martini Shultose
(Claimant)

Sworn to before me this 3rd day of _____ June _____, 1974

Dorinda Shult
Notary Public

Residing at Boise, Idaho

My commission expires June 15, 1977

For Department Use Only

Received by <u>mt</u>	Date <u>6-3-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>COB</u>	Date <u>3 June 74</u>		claimant by:	
\$10.00 fee received by <u>mt</u>	Date <u>6-3-74 # 14552</u>			
Approved for publication by <u>SW 2-2-74</u>				
Published in <u>Boise Star-Tribune</u>				
Dates <u>6-13 & 6-20-74</u>				

5927-59

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: A63-04265
Date Received: 5/24/1989
Receipt No: C007035
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CRAIG MARCUS 208-853-3812
Address: 7711 APACHE WAY
BOISE, ID 83703

AND/OR

Name: LYNNE MARCUS 208-853-3812
Address: 7711 APACHE WAY
BOISE, ID 83703

2. Date of Priority: MAR 01, 1967

3. Source: UNNAMED STREAM Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	24	SW	NW	SE		ADA

5. Description of diverting works:
PUMP FROM STREAM INTO PIPELINE WITH GRAVITY FLOW IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	10/31	0.040		

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

8. Total consumptive use is 1.8 Acre Feet Per Annum.

9. Non-irrigation uses:

A63-04265

Page 1

Date: 05/24/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	24	NE	SW		IRR	0.4
			NW	SE		IRR	0.1
						Section Acres	0.5
						Total Acres	0.5

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOT 2, BLOCK 2, BLAKE COUNTRY SUBDIVISION

15. Basis of Claim: STATUTORY CLAIM

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 X 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): *Ernie W. Winters* Date: May 24, 1989

Date: _____

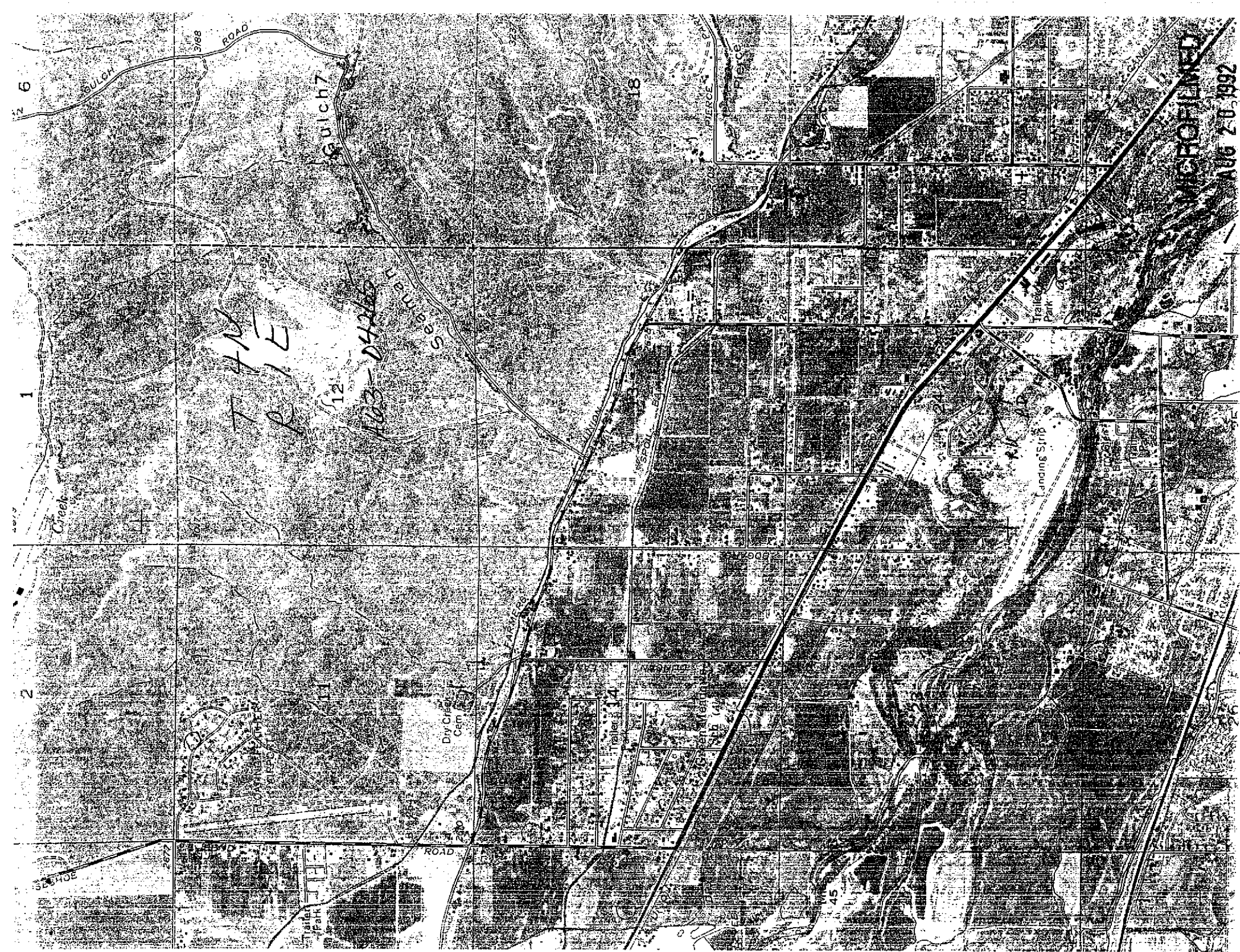
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of May 19 89 *Carter Fritschle*
Notary Public
Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



T 4N
R 1E

103-04263

MICROFILMED
AUG 20 1992