

F O R E S T

Daggett

Creek

4838

(DUNNIGAN CREEK)
2871 III NW

Crooked Summit

Spring

Karney Lakes

Creek

Spring

TRAIL

IRRIGATION DIVERSION

Gulch

INSTREAM STOCK WATER

Ashton

Bumblebee Mine

Spring

Gulch

Spring

TR

Prospects

Mined

North Star

Gr

Fort

12 ACRES

Robbie

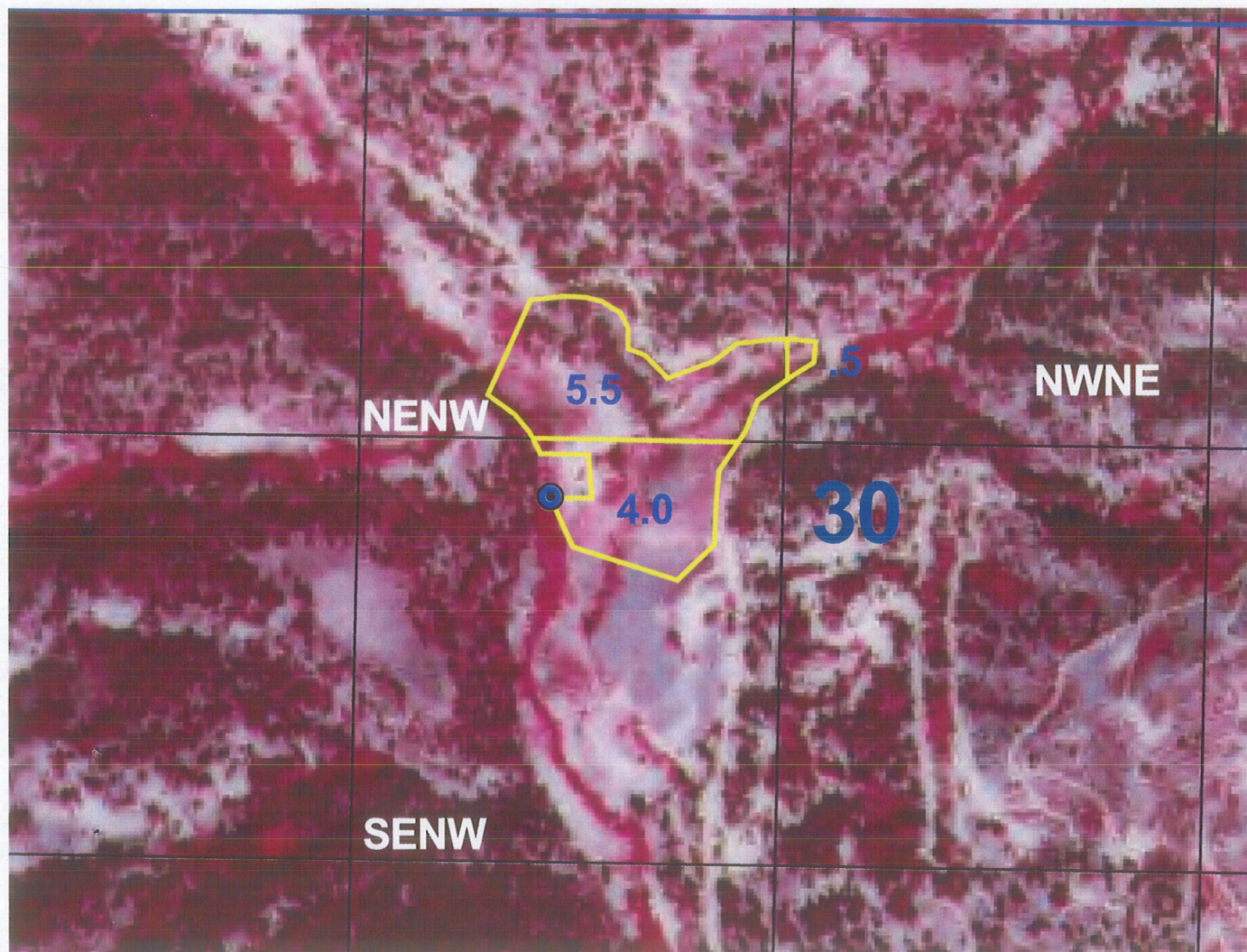
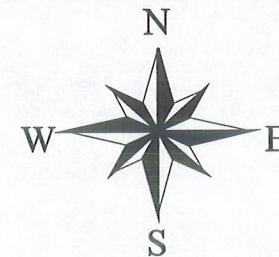
MICROFILMED

OCT 18 1996

~~MICROFILMED~~
AUG 17 1992

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

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

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-30310

OWNER(S) : CUMMINGS, STEVEN

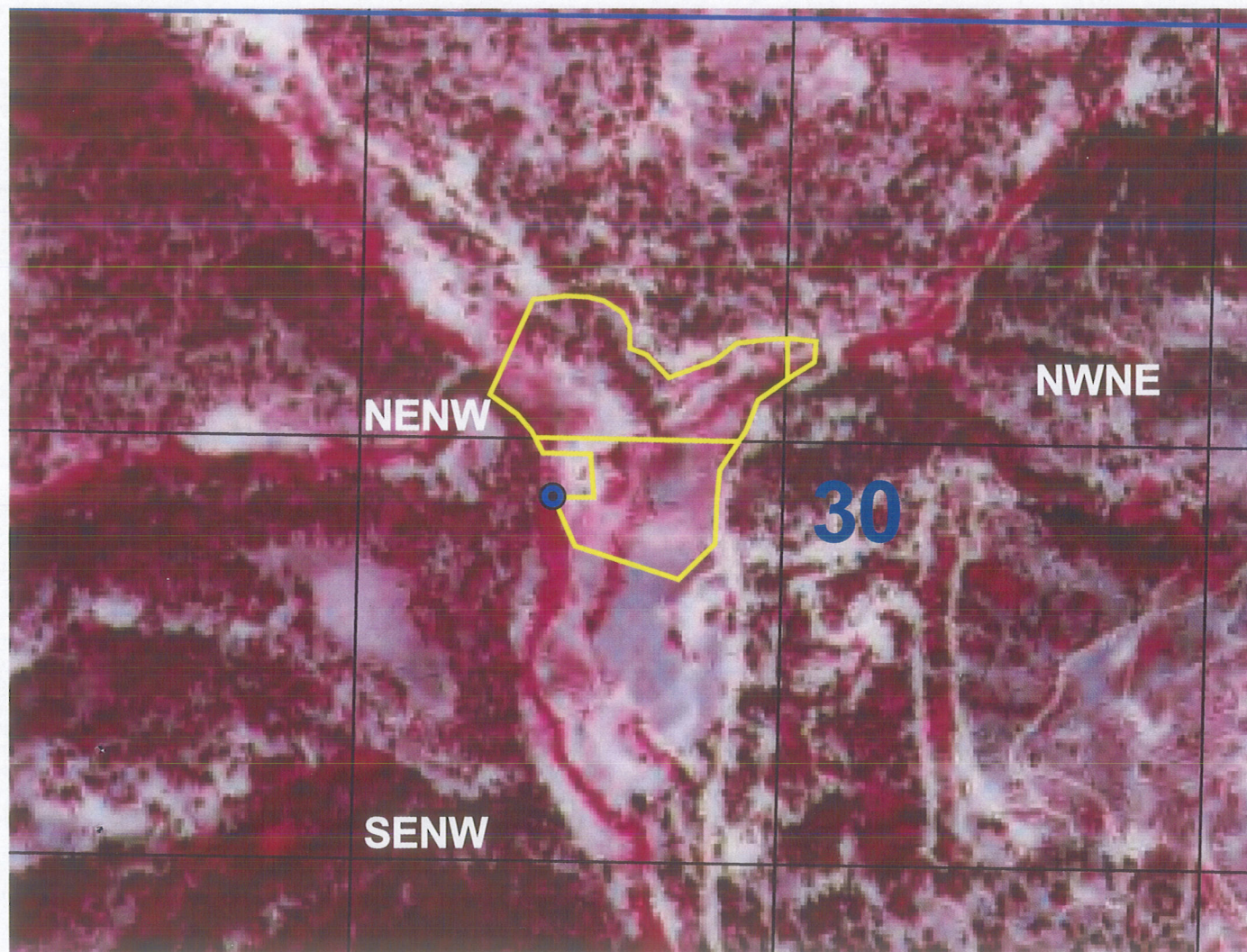
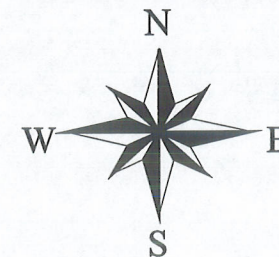
DATE: JANUARY 2, 2002

by: Mel Schulte

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

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

6 ACRES

6 SECTION NUMBERS

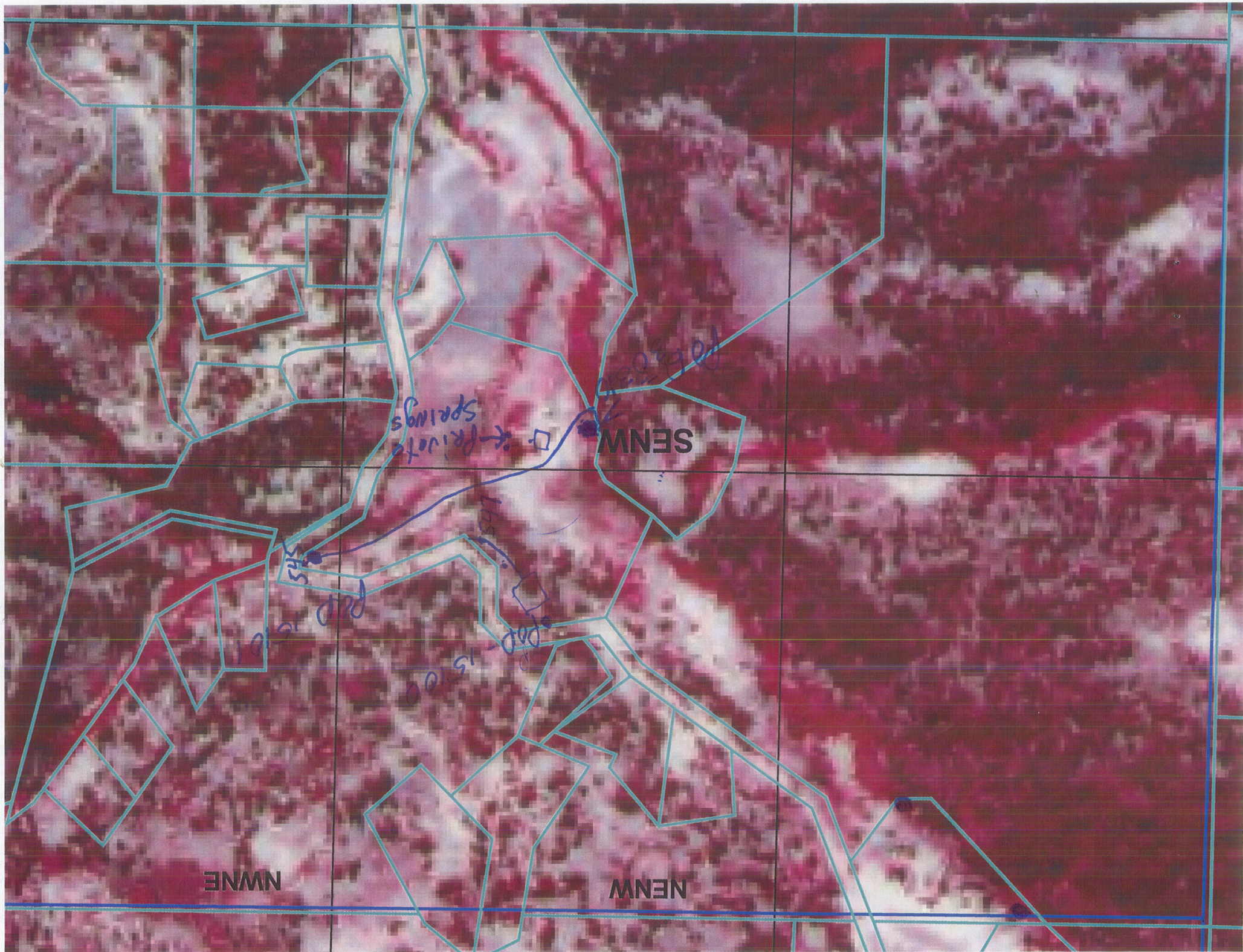
CLAIM(S): 63-30310

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

by: Mel Schulte

0 0.25 0.5 0.75 Miles



NE SW

30

Stall/
Richardson
317B

Z

15101

30310
3174

30310
(317C)

Cummings

Burg

A63-30310

PHOTOS TAKEN: 11/05/2001



PHOTO # 1
POINT OF DIVERSION—
PUMP SITE IN THE
SEnw, SECTION 30



PHOTO #2
DITCH FROM THE OLD
POD IN THE NWNW,
S30 THAT CAN STILL
BE USED TO IRRIGATE
THE LAND NW OF THE
HOUSE

A63-30310

PHOTOS TAKEN: 11/05/2001

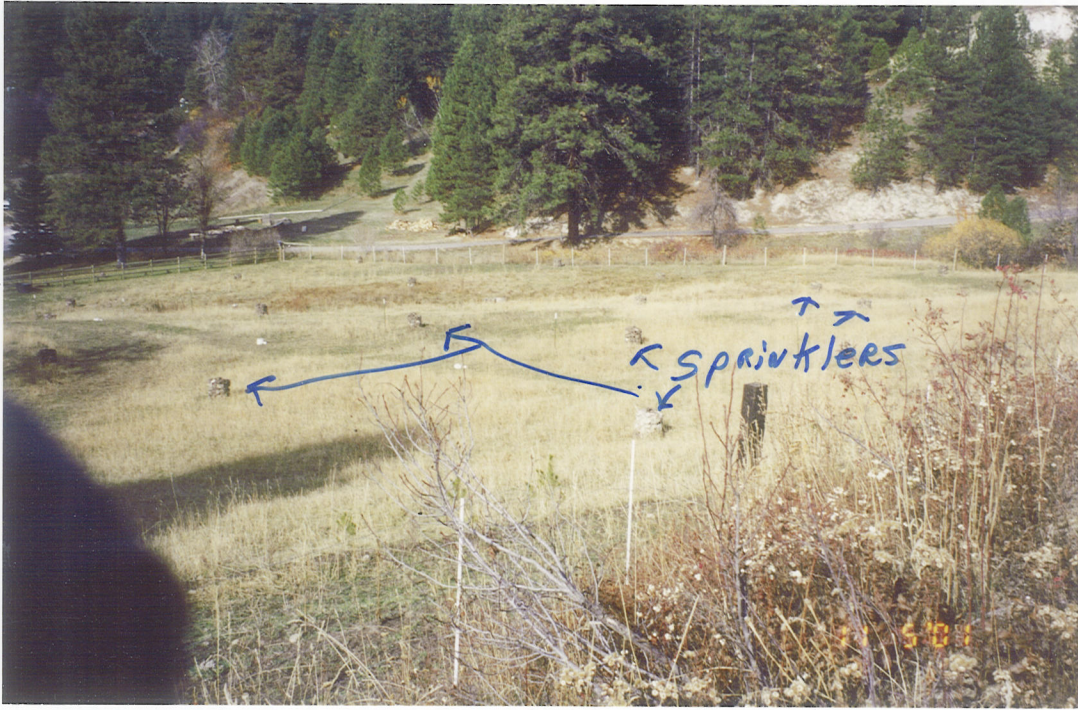


PHOTO # 3
PLACE OF USE EAST OF
THE LANE LOOKING
WEST FROM THE
COUNTY ROAD



PHOTO #4
PLACE OF USE
LOOKING EAST FROM
THE WEST SIDE OF
THE PROPERTY

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 63-30310
Date Received: 3/13/1989
Receipt No: C005764
Received By:

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

1. Name of Claimant(s)

STEVEN D CUMMINGS Phone:
545 ROBIE CREEK
BOISE ID USA 83716

2. Date of Priority: 04/01/1896

3. Source: ROBIE CREEK , ROBIE CREEK Trib. to: MORES CREEK , MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04E	30	NE NW NW 1	BOISE	
04N	04E	30	NW SE NW	BOISE	

5. Description of diverting works:

WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.5	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.5 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	30	NW NE	IRRIGATION	1

NE	NW	IRRIGATION	3
SE	NW	IRRIGATION	8
SE	NW	STOCKWATER	

Section Acres	12
Total Acres	12

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES).
 * STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4 OF SE1/4 OF NW1/4.
 * THIS CLAIM COMBINES RTS. 63-00317A AND A PORTION OF (APPROX. 1/2) 63-00317C.
 CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 4-19-95

15. Basis of Claim: Decreed

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)
) SS.
 County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

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: A63-30310
Date Received: 3/13/1989
Receipt No: C005764
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVEN D CUMMINGS
Address: 2195 ROBIE CREEK
BOISE ID

342-6004
83706

2. Date of Priority: APR 1, 1896

3. Source: ROBIE CREEK

Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NE	NW	NW	1	BOISE
			NW	SE	NW		BOISE

5. Description of diverting works:

WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

36.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER FOR 12 HEAD (MIXED STOCK)

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04E	30	NW	NE		IRR	1.0
			NE	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04E	30	SE	NW	IRR	8.0
			SE	NW	STOCK	
Section Acres						12.0
Total Acres						12.0

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES).

*

STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4 OF SE1/4 OF NW1/4.

*

THIS CLAIM COMBINES RTS. 63-00317A AND A PORTION OF (APPROX. 1/2) 63-00317C.

CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 4-19-95

15. Basis of Claim: DECREED

Case Number: 921

Court : 4TH

Decree date: 3/28/1979

COOLEY AND PHILLIPS
Decree Plaintiff

BILOSCHAETZKE AND HOOVER
vs Decree 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/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

Renumbered to A63-00317A ²
Ident. Number: ~~A63-00317B~~
Date Received: 3/13/1989 ^{3/20/90}
Receipt No: C005764
Received By: DE VIT ^{KW}
1-4-96

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HORST O. BILOSCHAETZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

OR

Name: GISELA BILOSCHAETZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

2. Date of Priority: APR 01, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NE	NW	NW	1	BOISE
			NW	SE	NW		BOISE

5. Description of diverting works:
WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 12 HEAD (MIXED STOCK)

A63-00317B

Page 1

Date: 05/03/89

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~AUG 17 1997~~

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	NW	NE		IRR	1.0
			NE	NW		IRR	3.0
			SE	NW		IRR	8.0
			SE	NW		STOCK	
					Section Acres		12.0
					Total Acres		12.0

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR IRRIGATION AND STOCKWATER; A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES). STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW 1/4 OF SE 1/4 OF NW 1/4. THIS CLAIM COMBINES RIGHTS 63-00317B AND 1/2 OF 63-00317C.

THIS CLAIM RE-NUMBERED TO A63-00317B FROM A63-00317A DUE TO ANOTHER CLAIM ALREADY HAVING BEEN FILED FOR A63-00317A.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

VS

Decree Defendant

MICROFILMED

OCT 18 1996

~~UNRECORDED~~

~~AUG 17 1992~~

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 _____

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~AUG 17 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

Renumbered to A63-00317B 5/3/8
Ident. Number: ~~A63-00317A~~
Date Received: 3/13/89 See
Receipt No: C005764 memo
Received By: JP of
3/20/90
KW
1-4-96

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HORST O. BILOSCHAEZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

OR

Name: GISELA BILOSCHAEZKE 208-345-5690
Address: HC 33, BOX 2195
BOISE, ID 83706

2. Date of Priority: APR 01, 1896

3. Source: ROBIE CREEK Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NE	NW	NW	1	BOISE
			NW	SE	NW		BOISE

5. Description of diverting works:
WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 12 HEAD (MIXED STOCK)

A63-00317A

Page 1

Date: 03/09/89

MICROFILMED

OCT 18 1996

MICROFILMED

AUG 17 1987

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	NW	NE		IRR	1.0
			NE	NW		IRR	3.0
			SE	NW		IRR	8.0
			SE	NW		STOCK	
					Section Acres		12.0
					Total Acres		12.0

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES).

STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4
OF SE1/4 OF NW1/4.

THIS CLAIM COMBINES RIGHTS 63-00317A AND 1/2 OF 63-00317C

15. Basis of Claim: DECREED
Case Number: 921
Court : 4TH
Decree date: 3/28/1979

COOLEY AND PHILLIPS
Decree Plaintiff

vs BILOSCHAETZKE AND HOOVER
Decree Defendant

~~MICROFILMED~~
AUG 17 1982

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: 5

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): Hort O. Biloschutke Date: Mar 13/1989

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 13TH day
of MARCH 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

Steve Cummings
will be available
on Wed-Thurs-
after Oct 1st

368-2003

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

Renumbered to:
A63-30310

Ident. Number: ~~A63-00317A~~ *kw*

Date Received: 3/13/1989

Receipt No: C005764 *1/6/96*

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEVEN D CUMMINGS
Address: 2195 ROBIE CREEK
BOISE ID

83706

2. Date of Priority: APR 1, 1896

3. Source: ROBIE CREEK

Trib. to: MORES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	04E	30	NE	NW	NW	1	BOISE
			NW	SE	NW		BOISE

5. Description of diverting works:

WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.500		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

36.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER FOR 12 HEAD (MIXED STOCK)

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04E	30	NW	NE		IRR	1.0
			NE	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04E	30	SE	NW		IRR	8.0
			SE	NW		STOCK	
						Section Acres	12.0
						Total Acres	12.0

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES).

-
STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4 OF SE1/4 OF NW1/4.

-
THIS CLAIM COMBINES RIGHTS 63-00317A AND 1/2 OF 63-00317C

15. Basis of Claim: DECREED

Case Number: 921

Court : 4TH

Decree date: 3/28/1979

COOLEY AND PHILLIPS
Decree Plaintiff

BILOSCHAETZKE AND HOOVER
vs Decree Defendant

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

01/10/96 15:47:53
Page 1

Water Right Number - A63-00317A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CUMMINGS

STEVEN D

1 - 2195 ROBIE CREEK
2 -
3 -
City- BOISE
Phone - 208-000-0000

State- ID Zip- 83706

*** O - ORIGINAL OWNER ***
BILOSCHAEZKE

GI SELA

1 - HC 33 BOX 2195
2 -
3 -
City- BOISE
Phone - 208-345-5690
1 - HC 33 BOX 2195
2 -
3 -

State- ID Zip- 83706

BILOSCHAEZKE

HORST O

1 - HC 33 BOX 2195
2 -
3 -
City- BOISE
Phone - 208-345-5690

State- ID Zip- 83706

+ - - Priority Date - - +
04/01/1896

+ - - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
ROBIE CREEK

+ - - - - Tributary - - - - - +
MORES CREEK

+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
04N	04E	30	NE NW NW NW SE NW	1	(15) BOISE (15) BOISE	

+ - - - - Water Use - - - - - +	
Code	Description
01 - IRRIGATION	04/15 10/15 0.500
04 - STOCKWATER	01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.500 36.0

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
04N	04E	30	NW NE		1.0	01	IRRIGATION	(15) BOISE	
04N	04E	30	NE NW		3.0	01	IRRIGATION	(15) BOISE	
04N	04E	30	SE NW		8.0	01	IRRIGATION	(15) BOISE	
04N	04E	30	SE NW			04	STOCKWATER	(15) BOISE	

Total Acres: 12.0

+ - - Diversion Means - WOOD HEADGATE, 12" X 12" OPENING, DITCH TO PLACE OF USE

MICROFILMED
OCT 18 1995

Water right number - A63-00317A

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use - STOCKWATER FOR 12 HEAD (MIXED STOCK)

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - - Remarks - - - - - +
OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER
FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER
(ALSO DOMESTIC USES).
*
STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4
OF SE1/4 OF NW1/4.
*
THIS CLAIM COMBINES RIGHTS 63-00317A AND 1/2 OF 63-00317C
*
CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 4-19-95

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
COOLEY AND PHILLIPS BILOSCHAEZKE AND HOOVER 03/28/1979

+ - - Audit Fields - 03/23/90 PEPPERSA 03/29/95 CFRITSCH 03/30/95 POST-STD 04/19/95 CFRITSCH

+ - - - - - Comments - - - - - +
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	- 921
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	- 4TH
Claim Received Date	- 03/13/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- C005764	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

MICROFILMED
OCT 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 2-16-95LEGAL DESCRIPTION OF PROPERTY: Township 04N Range 04E Department of Water ResourcesSection 30, SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, B.M.Lot _____, Block 50, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

RECEIVED
MAR 28 1995

RECEIVED

MAY 05 1995

WATER RESOURCES
WESTERN REGION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: A63-15100, A63-15101, A63-00317A

☐ Name and Address of Former Owner/Claimant(s)(Seller): Missla Bitoschaetzke
1350 N. 33rd
Boise, Id 83703

☐ New Owner/Claimant (Purchaser): Steven D. Cummings

☐ New Mailing Address: 2195 Robie Creek
Boise Id 83706

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Notice of claim to water rights acquired under state law
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): [Signature] Date 3/24/95

Date

☐ Signature of Former Owner/Claimant(s): [Signature] Date 3-24-95

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-19-95 By: [Signature]

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 18 1995

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700&F

POOR ORIGINAL

READ AND APPROVED BY: S.D.C. P135741 JH/SN

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED GISELA S. BILOSCHAEZKE, AN UNMARRIED PERSON

Grantor , does hereby grant, bargain, sell and convey unto STEVEN D. CUMMINGS, AN UNMARRIED PERSON

the Grantee , whose current address is: HC 33 BOX 2195 ROBIE CREEK ROAD, BOISE, ID 83706
the following described real property in BOISE County, State of Idaho, more particularly described as
follows, to-wit:

SEE "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF COMPRISING TWO PAGES

Boise County Idaho ss
Request of

mt - View
Time 16:11 M.T.
Date March 28, 1995

155513

Rora A. Canady

By Shirley Seng
Deputy

Fee \$9.00

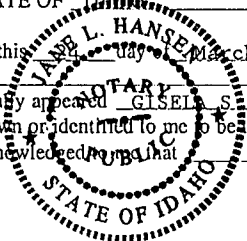
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , and Grantee heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , the Grantor is the
owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this
conveyance is expressly made subject and those made, suffered or done by the Grantee ; and subject to reservations,
restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments,
(includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor
will warrant and defend the same from all lawful claims whatsoever.

Dated: March 24, 1995

Gisela S. Biloschaetzke
GISELA S. BILOSCHAEZKE

STATE OF IDAHO , County of ADA , ss.

On this 28 day of March , in the year of 1995 , before me THE UNDERSIGNED , a notary public, per-
sonally appeared GISELA S. BILOSCHAEZKE ,
known or identified to me to be the person whose name subscribed to the within instrument, and
acknowledged to me that she executed the same.



Notary Public: Jane L. Hansen
Residing at: BOISE, IDAHO
My Commission Expires: 6-22-95

MICROFILMED

OCT 18 1996

File Number: P135741/B

PARCEL I

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD, A BOISE COUNTY ROAD, SAID POINT BEING LOCATED THE FOLLOWING COURSES FROM THE CORNER COMMON TO SECTIONS 19 AND 30, TOWNSHIP 4 NORTH, RANGE 4 EAST AND SECTIONS 24 AND 25, TOWNSHIP 4 NORTH RANGE 3 EAST, BOISE MERIDIAN:

NORTH 89 DEGREES 20' EAST, 1027.50 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 30 TO A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD;
THENCE SOUTH 22 DEGREES 06' EAST, 369.57 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 56 DEGREES 02' EAST, 668.16 FEET ALONG SAID CENTERLINE;
THENCE SOUTH 39 DEGREES 00' EAST, 163.89 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, SAID POINT BEING AN ANGLE POINT IN THE NORTHEASTERLY LINE OF SAID DEED BOOK 69 PAGE 178, AND RUNNING
THENCE SOUTH 21 DEGREES 42'23" WEST, 367.33 FEET ALONG THE DIVIDING LINE CREATED BY SAID DEED BOOK 74 PAGE 96 TO AN ANGLE POINT IN THE SOUTHEASTERLY LINE OF SAID DEED BOOK 69 PAGE 178;
THENCE SOUTH 54 DEGREES 59'30" EAST, 167.76 FEET ALONG THE BOUNDARY OF THE ORIGINAL PARCEL DESCRIBED IN SAID DEED BOOK;
THENCE SOUTH 31 DEGREES 15' EAST, 53.50 FEET ALONG SAME;
THENCE SOUTH 9 DEGREES 05' WEST, 75.13 FEET ALONG SAME;
THENCE SOUTH 12 DEGREES 29' EAST, 96.43 FEET ALONG SAME;
THENCE SOUTH 72 DEGREES 57' EAST, 15.86 FEET ALONG SAME TO A POINT ON THE EASTERLY BANK OF THE IRRIGATION DITCH;
THENCE SOUTH 20 DEGREES 49' EAST, 35.83 FEET ALONG SAID EASTERLY BANK;
THENCE NORTH 77 DEGREES 09'30" EAST, 225.37 FEET;
THENCE NORTH 2 DEGREES 39'30" EAST, 167.84 FEET TO A POINT IN THE CENTERLINE OF MITCHELL CREEK;
THENCE NORTH 72 DEGREES 39'30" EAST, 74.52 FEET ALONG SAID CENTERLINE;
THENCE NORTH 59 DEGREES 21' EAST, 78.14 FEET ALONG SAME;
THENCE NORTH 87 DEGREES 54' EAST, 49.89 FEET ALONG SAME;
THENCE NORTH 58 DEGREES 06' EAST, 131.88 FEET ALONG SAME;
THENCE NORTH 48 DEGREES 35' EAST, 178.50 FEET ALONG SAME;
THENCE NORTH 70 DEGREES 31'40" EAST, 208.29 FEET ALONG THE CENTERLINE OF MITCHELL CREEK TO A POINT IN THE CENTERLINE OF ROBIE CREEK ROAD;
THENCE NORTH 78 DEGREES 36' WEST, 232.42 FEET ALONG SAID ROAD CENTERLINE;
THENCE SOUTH 66 DEGREES 00' WEST, 324.21 FEET ALONG SAME;
THENCE NORTH 47 DEGREES 30' WEST, 112.05 FEET ALONG SAME;
THENCE NORTH 1 DEGREE 50' WEST, 152.46 FEET ALONG SAME;
THENCE NORTH 44 DEGREES 40' WEST, 83.80 FEET ALONG SAME;
THENCE SOUTH 78 DEGREES 40' WEST, 258.72 FEET ALONG SAID CENTERLINE OF ROBIE CREEK ROAD TO THE POINT OF BEGINNING.

PARCEL II

A PART OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE

LEGAL CONTINUED

MICROFILMED

OCT 18 1996

COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER SECTION CORNER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 4 EAST, BOISE MERIDIAN;

THENCE NORTH 59 DEGREES 33' EAST, 2197.62 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 77 DEGREES 09'30" EAST, 225.37 FEET;

THENCE NORTH 2 DEGREES 39'30" EAST, 167.84 FEET TO THE CENTER OF MITCHELL CREEK;

THENCE FOLLOWING THE CENTER OF MITCHELL CREEK THE FOLLOWING COURSES:

NORTH 72 DEGREES 39'30" EAST, 74.52 FEET;

NORTH 59 DEGREES 21' EAST, 78.14 FEET;

NORTH 87 DEGREES 54' EAST, 49.89 FEET;

NORTH 58 DEGREES 06' EAST, 131.88 FEET;

NORTH 48 DEGREES 35' EAST, 178.50 FEET;

NORTH 70 DEGREES 31'40" EAST, 208.29 FEET TO THE CENTER OF THE COUNTY ROAD;

THENCE FOLLOWING THE CENTERLINE OF THE COUNTY ROAD THE FOLLOWING COURSES:

SOUTH 14 DEGREES 48' WEST, 50.47 FEET;

SOUTH 55 DEGREES 17' WEST, 216.80 FEET;

SOUTH 17 DEGREES 03' WEST, 127.20 FEET;

SOUTH 34 DEGREES 47' WEST, 131.70 FEET;

SOUTH 11 DEGREES 22' WEST, 131.30 FEET;

SOUTH 12 DEGREE 11' EAST, 91.60 FEET;

THENCE LEAVING THE CENTERLINE OF THE COUNTY ROAD AND

THENCE SOUTH 89 DEGREES 06' WEST, 10.40 FEET;

THENCE SOUTH 53 DEGREES 12' WEST, 95.50 FEET,

THENCE SOUTH 39 DEGREES 57' WEST, 88.10 FEET;

THENCE NORTH 75 DEGREES 04' WEST, 341.36 FEET,

THENCE NORTH 32 DEGREES 11'30", WEST 140.00 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION G. B.

SDC

MICROFILMED

OCT 18 1996

WARRANTY DEED

FOR VALUE RECEIVED HORST O. BILOSCHAETZKE AND GISELA S. BILOSCHAETZKE,
HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BAPGAIN, SELL and CONVEY unto TONY R. WEAVER AND
NOLENE B. WEAVER, HUSBAND AND WIFE

GRANTEE(S), whose current address is: HC 33 BOX 2165 BOISE, IDAHO 83706 1400
the following described real property in BOISE County, State of Idaho,
more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

POOR ORIGINAL

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or
done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and
agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if
any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same
from all lawful claims whatsoever.

Dated: October 19, 1990

Horst O. Biloschaetzke

HORST O. BILOSCHAETZKE

Gisela S. Biloschaetzke

GISELA S. BILOSCHAETZKE

STATE OF IDAHO County of ADA, ss

On this 22nd day of October
in the year of 1990, before me, the undersigned, a Notary
Public in and for said State, personally appeared HORST O.
BILOSCHAETZKE and GISELA S. BILOSCHAETZKE
known or identified to me to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged that
they executed the same

Signature

Name

Residing at

My commission expires

Robyn Williams

Robyn Williams

(Type or print)

Boise, ID

11-10-92

IDAHO

STATE OF IDAHO, COUNTY OF Boise

I hereby Certify that this instrument was filed for record at the re-
quest of Mr. [Signature]

at 14:39 minutes past 2 o'clock m.T
this 22 day of October
1990 in my office and duly recorded in Book
of Deeds at page 1400

Debbie C. Falar

Ex-Officio Recorder

By

Deputy

Fee \$ 6.00

Mail to

138144

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



MICROFILMED

OCT 18 1996

EXHIBIT "A"

PARCEL B:

Beginning at the section corner common to Sections 19 and 30, T. 4 N., R. 4 E., B.M., and Sections 24 and 25, T. 4 N., R. 3 E., B.M., thence No. 89°20' E. along the section line between said sections 19 and 30, 1027.5 ft., thence S. 22°06' E. 164.50 ft., thence S. 36°10' W., 261.6 ft., thence S. 27°23' E. 167.1 ft., thence S. 46°54' E., 86.3 ft., thence No. 65°12' E. 50.2 ft., thence S. 49°25' E., 193.4 ft., thence S. 15°23' E., 148.2 ft., thence S. 36°02' E., 171.3 ft., thence S. 57°00' E., 157.4 ft., thence S. 46°23' E., 205.2 ft., thence S. 54°59½' E. 167.8 ft., thence S. 31°15' E., 53.5 ft., thence S. 9°05' W. 75.1 ft., thence S. 12°29' E. 96.4 ft., thence S. 72°57' E., 15.9 ft., thence S. 20°49' E. 68.6 ft., thence S. 38°44' E., 62.3 ft., thence S. 9°01' E. 146.7 ft., thence S. 40°26' E., 80.4 ft., thence S. 0°11' E. 92.4 ft. to a point near a lone pine tree, thence N. 67°53' E. 257.06 ft. to a steel pin on the East bank of a small irrigation ditch, the real point of beginning, thence along the ditch N. 28°20' E., 84.7 ft., thence N. 39°57' E., 88.1 ft., thence No. 53°12' E., 95.5 ft. to a steel pin on the Westerly edge of the Robie Creek road, thence N. 89°06' E., 10.4 ft. to the center line of said road, thence S. 15°51' E., 188.52 ft. to a point, thence S. 66°32½' W., 83.48 ft. to a steel pin on the North bank of a small irrigation ditch, thence S. 23°37½' W. 170.51 ft. to a steel pin, thence N. 80°48' W., 17.45 ft. to a steel pin, thence N. 23°25' W. 183.66 ft. to the real point of beginning.

Together with water rights appertaining thereto, including an easement from adjoining property for water from a spring thereon,

MICROFILMED
OCT 18 1996

WARRANTY DEED

GRANTORS, HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE, husband and wife, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto DUANE K. TROUP, a single man, of HC 33, Box 2165, Boise, Idaho 83706, County of Boise, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in Boise County, State of Idaho, and being more particularly described as follows:

PARCEL B:

Beginning at the section corner common to Sections 19 and 30, T. 4 N., R. 4 E., B.M., and Sections 24 and 25, T. 4 N., R. 3 E., B.M., thence Nc. 89°20' E. along the section line between said sections 19 and 30, 1027.5 ft., thence S. 22°06' E. 164.50 ft., thence S. 36°10' W., 261.6 ft., thence S. 27°23' E. 167.1 ft., thence S. 46°54' E., 86.3 ft., thence No. 65°12' E. 50.2 ft., thence S. 49°25' E., 193.4 ft., thence S. 15°23' E., 148.2 ft., thence S. 36°02' E., 171.3 ft., thence S. 57°00' E., 157.4 ft., thence S. 46°23' E., 205.2 ft., thence S. 54°59½' E. 167.8 ft., thence S. 31°15' E., 53.5 ft., thence S. 9°05' W. 75.1 ft., thence S. 12°29' E. 96.4 ft., thence S. 72°57' E., 15.9 ft., thence S. 20°49' E. 68.6 ft., thence S. 38°44' E., 62.3 ft., thence S. 9°01' E. 146.7 ft., thence S. 40°26' E., 80.4 ft., thence S. 0°11' E. 92.4 ft. to a point near a lone pine tree, thence N. 67°53' E. 257.06 ft. to a steel pin on the East bank of a small irrigation ditch, the real point of beginning, thence along the ditch N. 28°20' E., 84.7 ft., thence N. 39°57' E., 83.1 ft., thence No. 53°12' E., 95.5 ft. to a steel pin on the Westerly edge of the Robie Creek road, thence N. 39°06' E., 10.4 ft. to the center line of said road, thence S. 15°51' E., 188.52 ft. to a point, thence S. 66°32½' W., 83.48 ft. to a steel pin on the North bank of a small irrigation ditch, thence S. 23°37½' W. 170.51 ft. to a steel pin, thence N. 80°48' W., 17.45 ft. to a steel pin, thence N. 23°25' W. 183.66 ft. to the real point of beginning.

Together with water rights appertaining thereto, including an easement from adjoining property for water from a spring thereon,

Boise County Idaho
Request of

Laurie L. Warr
Time 9:00

Date 8/8/88

129639

Arlene C. Kolar

By *Dale Warr*
Deputy

Fee 6.00

WARRANTY DEED - 1

POOR ORIGINAL

MICROFILMED

OCT 18 1996

together with all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith.

The parcel is conveyed subject to taxes and assessments for the year 1988 and thereafter, and all easements, rights-of-way, restrictions and reservations apparent or of record.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, his heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 4 day of ^{August} ~~July~~, 1988.

Horst O. Biloschaetzke
HORST O. BILOSCHAETZKE

Gisela S. Biloschaetzke
GISELA S. BILOSCHAETZKE

STATE OF IDAHO)
County of Ada) ss

POOR ORIGINAL

On this 4 day of ^{August} ~~July~~, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared HORST O. BILOSCHAETZKE and GISELA S. BILOSCHAETZKE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, 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 in this certificate first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho

WARRANTY DEED - 2

MICROFILMED

OCT 18 1996

Louis M. Uranga
URANGA, URANGA & BIETER
714 North 5th Street
P.O. Box 1678
Boise, Idaho 83701
(208) 342-8931

Attorneys for Petitioner

MAGISTRATE'S DIVISION
DISTRICT COURT
FOURTH JUDICIAL DISTRICT
BOISE COUNTY, IDAHO

APR 2 01993

Filed COPY No. _____
ARLENE C. KOLAR, Clerk
By ROBA A. CANODY Deputy

(12)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~IDA~~ BOISE

In the Matter of the Estate)
of:)

HORST OTTO BILOSCHAETZKE,)
Deceased.)

Case No. SP-93-00007

DECREE VESTING ESTATE IN
SURVIVING SPOUSE

Upon consideration of the Petition for Summary Administration of
Estate of Which Surviving Spouse is Sole Beneficiary filed by
Gisela S. Biloschaetzke on March 1, 1993, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, Horst Otto Biloschaetzke, died on December 21,
1992, domiciled in Boise County.
4. Venue is proper.
5. The decedent and Gisela S. Biloschaetzke were duly married at
Johannesburg, Germany on January 30, 1953, and remained
married until the date of decedent's death.
6. The surviving spouse, Gisela S. Biloschaetzke, is the sole
heir or devisee of the decedent.
7. The decedent died testate, leaving a will August 15, 1986.
The will was validly executed and is the last will of the
decedent.
8. The schedule of property attached to this Decree is a full and
complete inventory of the property owned by the decedent and

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 1

MICROFILMED
OCT 18 1996

properly characterizes the property as community or separate property.

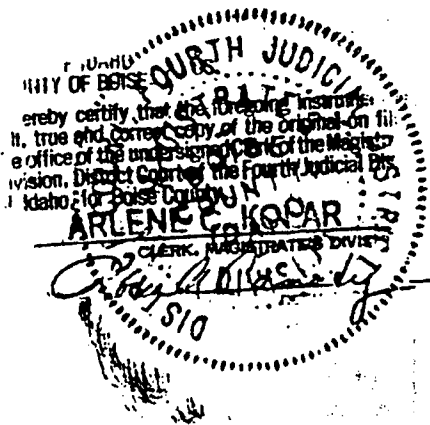
THEREFORE, it is ordered, adjudged and decreed as follows:

1. Gisela S. Biloschaetzke is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.
2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to Gisela S. Biloschaetzke free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

Dated: 4-19-93

PATRICIA G. YOUNG

MAGISTRATE



147031

BOISE COUNTY IDAHO SS
REQUEST OF

Louis L. Mangan
DATE 11

93 APR 20 PM 12:46

ARLENE C. KOLAR

James H. Fabbro
#18.00

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 2

MICROFILMED
OCT 18 1996

PROPERTY

Community

Separate

1978 Chevrolet Suburban
1968 International Truck
1963 Willys Jeep
1960 Loaf Travel trailer
Winchester Model 06-22 caliber rifle
(3) 8mm Mauser rifles
Winchester Model 12-12 gauge shotgun
Remington Model 742 30-06 caliber rifle
Remington 22 caliber rifle
14' Lone Star Boat
Craftsman table saw
Craftsman radial saw
Miscellaneous shop and yard equipment
Furniture and appliances
Miscellaneous clothing and personal effects

All real property located in Boise County, State of Idaho,
including, but not limited to the following described parcels:

Exhibit A attached hereto
Exhibit B attached hereto

MICROFILMED

OCT 18 1996

A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as follows:

Commencing at the West $\frac{1}{4}$ section corner of Section 30, T. 4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to the point of beginning; thence

North 77°09'30" East, 225.37 feet; thence

North 2°39'30" East, 167.84 feet to the center of Mitchell Creek; thence following the center of Mitchell Creek the following courses:

North 72°39'30" East, 74.52 feet;

North 59°21' East, 78.14 feet;

North 87°54' East, 49.89 feet;

North 58°06' East, 131.88 feet;

North 48°35' East, 178.50 feet;

North 70°31'40" East, 208.29 feet to the center of the County Road; thence following the centerline of the County Road the following courses:

South 14°48' West, 50.47 feet;

South 55°17' West, 216.80 feet;

South 17°03' West, 127.20 feet;

South 34°47' West, 131.70 feet;

South 11°22' West, 131.30 feet;

South 12°11' East, 91.60 feet; thence leaving the centerline of the County Road and thence

South 89°06' West, 10.40 feet; thence

South 53°12' West, 95.50 feet, thence

South 39°57' West, 88.10 feet; thence

North 75°04' West, 341.36 feet, thence

North 32°11'30", West 140.00 feet to the point of beginning.

Contains 4.809 acres, more or less.

Together with all water, water rights, ditches and ditch rights of way thereunto belonging, including 15 inches of water from Robie Creek in flood season and 1/2 of that available at other times as decreed.

MICROFILMED

OCT 18 1996

EXHIE

That portion of the parcel of land described in a Warranty Deed from Earle H. and Mable Afton to Horst O. and Gisela Biloschaetzke dated June 14, 1966 and recorded in the office of the County Recorder of Boise County in Book 69 on Page 178 that remains after deducting the parcel of land described in a Deed from Biloschaetzke to Richard E. and Carol K. Evers recorded in Book 74 on page 96 in said Recorder's office, said remaining portion being described as follows:

That portion of the NE¼ of the NW¼, the SE¼ of the NW¼, and the NW¼ of the NE¼ of Section 30, T.4 N., R.4 E., B.M., Boise County, Idaho, being more particularly described as follows: BEGINNING AT A POINT in the centerline of Robie Creek Road, a Boise County Road, said point being located the following courses from the corner common to Sections 19 and 30, T.4 N., R.4 E. and Sections 24 and 25, T.4 N., R 3 E., B.M.:

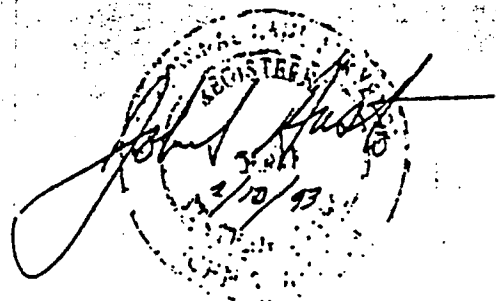
- A.) N.89°20'E., 1027.50 feet along the northerly line of said Section 30 to a point in the centerline of Robie Creek Road; thence,
- B.) S.22°06'E., 369.57 feet along said centerline; thence,
- C.) S.56°02'E., 668.16 feet along said centerline; thence,
- D.) S.39°00'E., 163.89 feet along said centerline to the POINT OF BEGINNING, said point being an angle point in the northeasterly line of said Deed Book 69 Page 178, and running thence,
- 1.) S.21°42'23"W., 367.33 feet along the dividing line created by said Deed Book 74 Page 96 to an angle point in the southeasterly line of said Deed Book 69 Page 178; thence,
- 2.) S.54°59'30"E., 167.76 feet along the boundary of the original parcel described in said Deed Book ; thence,
- 3.) S.31°15'E., 53.50 feet along same; thence,
- 4.) S.9°05'W., 75.13 feet along same; thence,
- 5.) S.12°29'E., 96.43 feet along same; thence,

EXHIBIT B

MICROFILMED
OCT 18 1996

- 6.) S.72°57'E., 15.86 feet along same to a point on the easterly bank of an irrigation ditch; thence,
- 7.) S.20°49'E., 35.83 feet along said easterly bank; thence,
- 8.) N.77°09'30"E., 225.37 feet; thence,
- 9.) N.2°39'30" E., 167.84 feet to a point in the centerline of Mitchell Creek; thence,
- 10.) N.72°39'30"E., 74.52 feet along said centerline; thence,
- 11.) N.59°21"E., 78.14 feet along same; thence,
- 12.) N.87°54'E., 49.89 feet along same; thence,
- 13.) N.58°06'E., 131.88 feet along same; thence,
- 14.) N.48°35'E., 178.50 feet along same; thence,
- 15.) N.70°31'40"E., 208.29 feet along the centerline of Mitchell Creek to a point in the centerline of Robie Creek Road; thence,
- 16.) N.78°36'W., 232.42 feet along said road centerline; thence,
- 17.) S.66°30'W., 324.21 feet along same; thence,
- 18.) N.47°30'W., 112.05 feet along same; thence,
- 19.) N.1°50'W., 152.46 feet along same; thence,
- 20.) N.44°40'W., 83.80 feet along same; thence,
- 21.) S.78°40'W., 258.72 feet along said centerline of Robie Creek Road to the POINT OF BEGINNING.

This parcel contains 7.51 Acres of land, more or less.



BOISE COUNTY
DISTRICT COURT
Recorded in Book 3 Page 426-429
Mar 29-1979
FILED MAR 28 1979
By Ann Morgan DEPUTY

WILLIAM D. COLLINS
COLLINS & MANLY
ATTORNEYS AT LAW
706 NORTH 8TH STREET
P. O. BOX 3784
BOISE, IDAHO 83701
TELEPHONE (208) 345-2811
Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

OLIN COOLEY and ROSEMARY	)	Case No. 921
COOLEY, husband and wife,	)	
and EUGENE PHILLIPS and	)	DECREE
LAVONNE PHILLIPS, husband	)	
and wife,	)	
Plaintiffs,	)	
vs.	)	
HORST O. BILOSCHAEZKE and	)	
GISELA S. BILOSCHAEZKE,	)	
husband and wife, and	)	
LESTER HOOVER and ERNA	)	
HOOVER, husband and wife,	)	
Defendants.	)	

The above-entitled matter came on regularly for trial July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho City, Idaho. The Plaintiffs were represented by William D. Collins of the firm Collins, Manly & Williams, and the Defendants, Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were represented by Douglas McClelland of the firm Skinner, McClelland & Donnelly. The Defendants, Lester Hoover and Erna Hoover, having been regularly served with process and having failed to appear or answer the Complaint, their default was taken and entered November 4, 1976. The parties have stipulated to waive findings of fact and conclusions of law and agreed to the entry of this Decree and the Court being fully advised in the premises hereby enters the following Decree,

DECREE

MICROFILMED
OCT 18 1996

~~MICROFILMED~~
AUG 17 1996

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. All lands described in Exhibits A, B and C are arid in nature and require irrigation for the proper cultivation and raising of crops thereon.

2. All appropriations herein ordered, adjudged and decreed are to be measured at the respective points of diversion as hereinafter set forth.

3. The following-named parties to this action are entitled to divert and use the waters of Robie Creek in Boise County, Idaho, upon their respective tracts of land hereinafter described in the following amounts and from the following dates and the same are ordered, adjudged and decreed as follows:

(a) To Plaintiffs, Olin Cooley and Rosemary Cooley, husband and wife, for use upon and appurtenant to the property described in Exhibit A which is attached hereto and incorporated herein as if set out in full, fifteen miners inches or 0.3 of a cubic foot per second with a priority of April 1, 1896, and a point of diversion approximately 716 feet east of the northwest corner of Section 30, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho. During times of scarcity when the flow in Robie Creek at this point of diversion is less than 50 miners inches or one cubic foot per second, then 0.3 of the water available at that point of diversion shall be for use on the property described in Exhibit A.

(b) To Plaintiffs, Eugene Phillips and Lavonne Phillips, husband and wife, for use on and appurtenant to the real property described in Exhibit B which is attached hereto and incorporated herein as if set out in full, fifteen

DECREE

-2-

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~AUG 17 1982~~

CLAIMANT
OWNS THIS

CLAIMANT
OWNS
1/2 OF
THIS

3 miners inches or 0.3 of a cubic foot per second with a
4 priority date of April 1, 1896, with two points of
5 diversion; (1) approximately 716 feet east of the northwest
6 corner of Section 30, Township 4 North, Range 4 East, Boise
7 Meridian, Boise County, Idaho, and (2) at the mouth of the
8 confluence of Mitchell Creek and Robie Creek. Those Defendants
9 may divert up to fifteen miners inches at either of the two
10 points of diversion but shall not exceed 15 miners inches total
11 between the two diversion points. During the times of scarcity
12 when the flow of water in Robie Creek is less than 50 miners
13 inches at the point of diversion described first above then
14 the quantity of water to be diverted for this property shall
15 be 0.3 of that existing at that point.

16 (c) To the Defendants, Horst O. Biloschaetzke and
17 Gisela S. Biloschaetzke, husband and wife, for use on and
18 appurtenant to the real property described in Exhibit C
19 which is attached hereto and incorporated herein as if set
20 out in full, twenty miners inches of 0.4 of a cubic foot per
21 second with a priority date of April 1, 1896, with two points
22 of diversion; (1) approximately 716 feet east of the north-
23 west corner of Section 30, Township 4 North, Range 4 East,
24 Boise Meridian, Boise County, Idaho, and (2) at a point on
25 Robie Creek about 150 yards south of the above designated point
26 of diversion. Those Defendants may divert water to satisfy
27 this right out of either or both of the two points of
28 diversion but shall not exceed 20 miners inches total
between the two. During times of scarcity when the total
quantity of water in Robie Creek is less than 50 miners inches
at the first point of diversion described above then those
Defendants shall divert 0.4 of that then existing.

DECREE

-3-

MICROFILMED

OCT 18 1996

~~MICROFILMED~~

~~AUG 17 1992~~

F O R E S T

Daggett

Creek

4838

(DUNNIGAN CREEK)
2871 III NW

4837

4836

T4N
R4E

40'

4835

4834

4833

4832

Crooked Summit

x 4782

x 4502

18

(73724

4694

Spring

x 4479

Karney Lakes

Creek

Gulch

19

Gulch

Kush

Creek

20

Spring

TRAIL

IRRIGATION
DIVERSION

Gulch

INSTREAM
STOCK
WATER

12 ACRES

Ashton

Bumblebee

% Mine

Spring

Gulch

Gulch

Bare

Spring

TR

x Prospects

500' 0

x Mined

36

South

North Star

G

Port

NOT FILMED

OCT 18 1996

~~NOT FILMED~~
AUG 17 1992

See Decree 63-L

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book 3 Page 426-429

Mar. 29-1979
Filed MAR 29 1979
Robert D. Tupper
By Ann Morgan DEPUTY

WILLIAM D. COLLINS
COLLINS & MANLY
ATTORNEYS AT LAW
708 NORTH 8TH STREET
P. O. BOX 2794
BOISE, IDAHO 83701
TELEPHONE (208) 348-2811
Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

9	OLIN COOLEY and ROSEMARY	)	Case No. 921
10	COOLEY, husband and wife,	)	
11	and EUGENE PHILLIPS and	)	DECREE
12	LAVONNE PHILLIPS, husband	)	
13	and wife,	)	
14	Plaintiffs,	)	
15	vs.	)	
16		)	
17	HORST O. BILOSCHAETZKE and	)	
18	GISELA S. BILOSCHAETZKE,	)	
19	husband and wife, and	)	
20	LESTER HOOVER and ERNA	)	
21	HOOVER, husband and wife,	)	
22	Defendants.	)	

The above-entitled matter came on regularly for trial
July 7, 8, and 13, 1977, at the Boise County Courthouse, Idaho
City, Idaho. The Plaintiffs were represented by William D.
Collins of the firm Collins, Manly & Williams, and the Defendants,
Horst O. Biloschaetzke and Gisela S. Biloschaetzke, were repre-
sented by Douglas McClelland of the firm Skinner, McClelland &
Donnelly. The Defendants, Lester Hoover and Erna Hoover, having
been regularly served with process and having failed to appear or
answer the Complaint, their default was taken and entered November
4, 1976. The parties have stipulated to waive findings of fact
and conclusions of law and agreed to the entry of this Decree and
the Court being fully advised in the premises hereby enters the
following Decree,

DECREE

MICROFILMED
OCT 18 1996

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

2 1. All lands described in Exhibits A, B and C are arid in
3 nature and require irrigation for the proper cultivation and
4 raising of crops thereon.

5 2. All appropriations herein ordered, adjudged and decreed
6 are to be measured at the respective points of diversion as
hereinafter set forth.

7 3. The following-named parties to this action are entitled
8 to divert and use the waters of Robie Creek in Boise County, Idaho,
9 upon their respective tracts of land hereinafter described in the
10 following amounts and from the following dates and the same are
11 ordered, adjudged and decreed as follows:

12 *63-00317A* (a) To Plaintiffs, Olin Cooley and Rosemary Cooley,
13 husband and wife, for use upon and appurtenant to the
14 property described in Exhibit A which is attached hereto and
15 incorporated herein as if set out in full, fifteen miners
16 inches or 0.3 of a cubic foot per second with a priority of
17 April 1, 1896, and a point of diversion approximately 716
18 feet east of the northwest corner of Section 30, Township
19 4 North, Range 4 East, Boise Meridian, Boise County, Idaho.
20 During times of scarcity when the flow in Robie Creek at this
21 point of diversion is less than 50 miners inches or one cubic
22 foot per second, then 0.3 of the water available at that
point of diversion shall be for use on the property described
in Exhibit A.

23 *63-00317B* (b) To Plaintiffs, Eugene Phillips and Lavonne Phillips,
24 husband and wife, for use on and appurtenant to the real
25 property described in Exhibit B which is attached hereto
26 and incorporated herein as if set out in full, fifteen
27

28 DECREE

-2-

MICROFILMED

OCT 18 1996

1 miners inches or 0.3 of a cubic foot per second with a
2 priority date of April 1, 1896, with two points of
3 diversion; (1) approximately 716 feet east of the northwest
4 corner of Section 30, Township 4 North, Range 4 East, Boise
5 Meridian, Boise County, Idaho, and (2) at the mouth of the
6 confluence of Mitchell Creek and Robie Creek. Those Defendan
7 may divert up to fifteen miners inches at either of the two
8 points of diversion but shall not exceed 15 miners inches tot
9 between the two diversion points. During the times of scarci
10 when the flow of water in Robie Creek is less than 50 miners
11 inches at the point of diversion described first above then
12 the quantity of water to be diverted for this property shall
13 be 0.3 of that existing at that point.

14 63-00317C(c) To the Defendants, Horst O. Biloschaetzke and
15 Gisela S. Biloschaetzke, husband and wife, for use on and
16 appurtenant to the real property described in Exhibit C
17 which is attached hereto and incorporated herein as if set
18 out in full, twenty miners inches of 0.4 of a cubic foot per
19 second with a priority date of April 1, 1896, with two points
20 of diversion; (1) approximately 716 feet east of the north-
21 west corner of Section 30, Township 4 North, Range 4 East,
22 Boise Meridian, Boise County, Idaho, and (2) at a point on
23 Robie Creek about 150 yards south of the above designated poin
24 of diversion. Those Defendants may divert water to satisfy
25 this right out of either or both of the two points of
26 diversion but shall not exceed 20 miners inches total
27 between the two. During times of scarcity when the total
28 quantity of water in Robie Creek is less than 50 miners inches
at the first point of diversion described above then those
Defendants shall divert 0.4 of that then existing.

1 4. The above water rights comprise an allocation of the
2 waters previously decreed by the District Court of the Third
3 Judicial District of the State of Idaho, in and for the County
4 of Boise, in the case of Earl H. Afton and Mabel Afton, husband
5 and wife, Plaintiffs, vs. Frances Luttrell, et al, Defendants,
6 in Case No. 629 entered March 23, 1962. The right decreed to
7 the Plaintiffs, Earl H. Afton and Mabel Afton, was 50 miners
8 inches or one cubic foot per second with a priority of April
9 1, 1896, at the above three points of diversion as the same appear
10 ed in Paragraph 3, Subparagraph (a), Page 4, of the Decree as
entered by the Court.

11 5. The following named parties to this action are entitled
12 to divert and use the waters of Mitchell Creek, Boise County,
13 Idaho, upon their respective tracts of land hereinafter
14 described, in the following amounts from the following dates,
and the same are ordered, adjudged and decreed:

15 63-00386 (a) To Defendants, Horst O. Biloschaetzke and Gisela S.
16 Biloschaetzke, husband and wife, for domestic purposes for
17 a single family residence located upon the property
18 described in Exhibit C, 1,200 gallons per day with a
19 maximum rate of diversion of 2 gallons per minute to
20 be conveyed through a 1½ inch pipe. The point of diversion
21 shall be approximately 200 feet easterly of the southwest
22 corner of the property described in Exhibit C. The priority
of the right shall be June 1, 1966.

23 63-00387 (b) To Plaintiffs, Olin Cooley and Rosemary Cooley,
24 the balance of the waters of Mitchell Creek not to exceed
25 15 miners inches for use upon the property described in
26 Exhibit A for irrigation purposes with a priority date
27

28 DECREE

-4-

MICROFILMED
OCT 18 1996

1 of June 2, 1966, and a point of diversion approximately
2 100 feet westerly of the northeast corner of the property
3 described in Exhibit A.

4 63-00388 6. Horst O. Biloschaetzke and Gisela S. Biloschaetzke
5 are entitled to the use of certain private waters located upon
6 the property described in Exhibit A for use upon their property
7 described in Exhibit C for domestic purposes for a single family
8 dwelling. The quantity of water shall be 1,200 gallons per day
9 with a maximum rate of diversion of 2 gallons per minute. The
10 water shall be diverted through a 1½ inch pipe which shall run
11 from the spring in a northwesterly direction to their residence.
12 The spring is located approximately 200 feet easterly from Robie
13 Creek and approximately 100 feet south of the northerly
14 boundary of the property described in Exhibit A. The
15 Biloschaetzkes are further awarded an easement for the purpose
16 of conveying the water across the property described in Exhibit A
17 along the course of that pipeline to their property described in
18 Exhibit B and for reasonable maintenance and repair of that pipe-
19 line.

20 Any excess water from that spring shall remain the private
21 property of the owner of the property described in Exhibit A.

22 7. A ditch easement shall exist across the property
23 described in Exhibit C for the benefit of and appurtenant to
24 the property described in Exhibit A for the purpose of conveying
25 up to 15 miners inches of water for the right which is determined
26 appurtenant to that property as described in Paragraph 3(a)
27 above. A similar ditch easement shall exist across the property
28 described in Exhibits A and C for the benefit of and appurtenant
to the property described in Exhibit B for the purpose of

1 conveying up to 15 miners inches of water for the right which
2 is determined appurtenant to the property as described in
3 Paragraph 3(b).

4 The ditch referred to above for which the total of 30
5 miners inches of water may be conveyed for the benefit of
6 the properties described in Exhibits A and B consists of a
7 single ditch which begins at the first point of diversion
8 described in the Afton Decree which is at a point approximately
9 716 feet east of the northwest corner of Section 30, Township 4
10 North, Range 4 East, Boise Meridian, Boise County, Idaho, and
11 proceeds generally southerly along the easterly side of the
12 properties described in Exhibit C and A to a point which is
13 approximately 200 feet northerly of the northeast corner
14 of the property described in Exhibit B at which point it runs
15 southwesterly approximately 200 feet to where it enters the
16 north boundary of the property described in Exhibit B.

17 The above ditch also serves the property described in
18 Exhibit C for the purpose of diverting the water for the right
19 described in Paragraph 3(c). The owners of the properties
20 described in Exhibits A and B shall have the right and privilege
21 of crossing along the easement for the purpose of maintaining
22 and repairing the ditch and supervising the conveyance of water
23 along the course of that ditch.

24 8. The properties described in Exhibits A and B are free
25 of any road or access easement for ingress and egress to the
26 property described in Exhibit C. No easement was ever
27 established for the benefit of the property described in Exhibit
28 C and any use of an access way or road for ingress and egress has
long since been abandoned. The property described in Exhibit C

1 has as one of its boundaries the center line of the Boise County
2 Robie Creek Road and an access road from that road provides access
3 to and from the residence of Biloschaetzkes located on the property
4 described in Exhibit C.

5 9. Each of the parties, their agents, employees, attorneys,
6 servants, successors, and assigns whose appropriations of water
7 are confirmed herein, are perpetually enjoined and restrained
8 from converting the waters of Robie Creek and Mitchell Creek
9 and from the private spring referred to herein so as to in any
10 way interfere with the rights confirmed herein. The Defendants,
11 Horst O. Biloschaetzke and Gisela S. Biloschaetzke, their agents,
12 employees, attorneys, servants, successors, and assigns are
13 further enjoined and restrained from asserting a road or access
14 easement across the property described in Exhibits A and B and
15 restrained and enjoined from using the same for ingress and egress
16 to their property described in Exhibit C.

17 10. Each party, their agents, employees, attorneys, servants
18 successors, and assigns are similarly restrained and enjoined
19 from interfering with the use of the ditch easement confirmed
20 herein across the property described in Exhibits A and C for the
21 purpose of conveying water rights as decreed herein to the
22 respective tracts and from interfering with the maintenance and
23 repair of that ditch and supervising the conveyance of water
24 along the same.

25 11. Neither party is awarded any damages against the
26 other as a result of this action and each party shall assume
27 their own attorney fees and costs herein.

28 DATED this 28th day of March, 1974.


W. E. Smith, District Judge

DECREE

-7-

MICROFILMED
OCT 18 1995

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 EUGENE PHILLIPS and LAVONNE PHILLIPS

5
6 Part of the NW 1/4 and Part of NW 1/4 NE 1/4 of
7 Section 30, T. 4 N., R. 4 E., B.M., Boise County,
Idaho, described as follows:

8 Beginning at a point on the half section line of
9 Section 30 which is North 89°12'30" East 2049.00
10 feet from the West 1/4 corner of Section 30, T.
11 4 N., R. 4 E., B.M., thence
12 North 27°30'30" West 130.04 feet to a point, thence
13 North 33°30'30" West 313.36 feet to a point, thence
14 North 6°50'30" West 173.96 feet to a point, thence
15 North 10°20'30" West 232.40 feet to a point, thence
16 North 29°39'30" East 166.76 feet to a point, thence
17 North 9°09'30" East 156.83 feet to a point, thence
18 North 7°15' East 46.20 feet to a point on the West
19 bank of Robie Creek, thence
20 South 72°57' East 15.86 feet to a point on the East
21 bank of an irrigation ditch, thence along said
22 east bank
23 South 20°49' East 35.83 feet to a point, thence
24 South 32°11'30" East 140.0 feet to a point, thence
25 South 75°04' East 341.36 feet to a point, thence
26 South 28°20' West 84.70 feet, thence
27 South 23°25' East 183.66 feet to a steel pin, thence
28 South 80°48' East 17.45 feet to a steel pin, thence
North 23°37'30" East 170.51 feet to a steel pin on
the North bank of a small irrigation ditch, thence
North 66°32'30" East 83.48 feet to a point on the
centerline of the County Road, thence along said
centerline
South 4°59'30" West 523.53 feet, thence
South 17°49' West 122.54 feet, thence
South 8°20'30" East 180.94 feet to a point on the
half section line of Section 30, thence along said
half section line
South 89°12'30" West 388.31 feet to the real place
of beginning.

EXHIBIT B

MICROFILMED
OCT 18 1996

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 OLIN COOLEY and ROSEMARY COOLEY

5 A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30,
6 T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as follows:

7 Commencing at the West $\frac{1}{4}$ section corner of Section 30, T.
8 4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to
9 the point of beginning; thence

10 North 77°09'30" East, 225.37 feet; thence
11 North 2°39'30" East, 167.84 feet to the center of Mitchell
12 Creek; thence following the center of Mitchell Creek the
13 following courses:

14 North 72°39'30" East, 74.52 feet;
15 North 59°21' East, 78.14 feet;
16 North 87°54' East, 49.89 feet;
17 North 58°06' East, 131.88 feet;
18 North 48°35' East, 178.50 feet;
19 North 70°31'40" East, 208.29 feet to the center of the
20 County Road; thence following the centerline of the
21 County Road the following courses:

22 South 14°48' West, 50.47 feet;
23 South 55°17' West, 216.80 feet;
24 South 17°03' West, 127.20 feet;
25 South 34°47' West, 131.70 feet;
26 South 11°22' West, 131.30 feet;
27 South 12°11' East, 91.60 feet; thence leaving the centerline
28 of the County Road and thence

29 South 89°06' West, 10.40 feet; thence
30 South 53°12' West, 95.50 feet, thence
31 South 39°57' West, 88.10 feet; thence
32 North 75°04' West, 341.36 feet, thence
33 North 32°11'30", West 140.00 feet to the point of beginning.

34 Contains 4.809 acres, more or less.

35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
EXHIBIT A

MICROFILMED

OCT 18 1996

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE

5 Beginning at the section corner common to Sections
6 19 and 30, T. 4 North, R. 4 East, B.M., and
7 Sections 24 and 25, T. 4 North, R. 3 East, B.M.,
8 thence
9 North 89°20' East 1027.50 feet along the section
10 line to a point, thence
11 South 22°06' East 164.50 feet to a point in the
12 centerline of the County Road, the real place
13 of beginning, thence
14 South 36°10' West 261.60 feet to a point on the
15 west bank of Robie Creek, thence along said west
16 bank South 27°23' East 167.11 feet, thence
17 South 46° 54' East 86.33 feet, thence
18 North 65°12' East 50.19 feet, thence
19 South 49°25' East 193.42 feet, thence
20 South 15°23' East 148.15 feet, thence
21 South 36°02' East 171.26 feet, thence
22 South 57°00' East 157.44 feet, thence
23 South 46°23' East 205.17 feet, thence
24 South 54°59' 30" East 167.76 feet,, thence
25 South 31°15' East 53.50 feet, thence
26 South 9°05' West 75.13 feet, thence
27 South 12°29' East 96.43 feet, thence
28 South 72°57' East 15.86 feet to a point on the
east bank of an irrigation ditch, thence along
said east bank South 20°49' East 35.83 feet to
a point, thence
North 77°09'30" East 225.37 feet to a point,
thence
North 2°39'30" East 167.84 feet to a point in the
centerline of Mitchel Creek, thence along said
centerline North 72°39'30" East 74.52 feet,
thence
North 59°21' East 78.14 feet, thence
North 87°54' East 49.89 feet, thence
North 58°06' East 131.88 feet, thence
North 48°35' East 178.50 feet, thence
North 70°31'40" East 208.29 feet to a point in the
centerline of the County Road, thence along said
centerline North 78°36' West 232.42 feet, thence
South 66°00' West 324.21 feet, thence
North 47°30' West 112.05 feet, thence
North 1°50' West 152.46 feet, thence
North 44°40' West 83.80 feet, thence
South 78°40' West 258.72 feet, thence
North 39°00' West 163.89 feet, thence
North 56°02' West 668.16 feet, thence
North 22°06' West 205.07 feet to the real place of
beginning. Said tract contains 14.509 acres more
or less.

28 State of Idaho }
County of Boise } SS.

E X H I B I T C

I hereby certify that the foregoing instru-
ment is a full true and correct copy of the
original on file in this office.

Dated March 8, 1989

ARLENE C. KOLAR, Clerk

By [Signature]
Deputy

MICROFILMED

OCT 18 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 1996

RE: Notice of Claim to a Water Right No. A63-30310

Steven D. Cummings
2195 Robie Creek
Boise, ID 83706

Dear Mr. Cummings:

Enclosed is a computer generated copy of Claim No. A63-30310 which was previously numbered A63-00317A. Your claim has been renumbered to reflect that it is a combination of decreed rights 63-00317A and a portion of 63-00317C.

If you find it necessary to contact our office, please refer to the new claim number. If you have any questions in regard to this matter, please do not hesitate to contact us.

Sincerely,

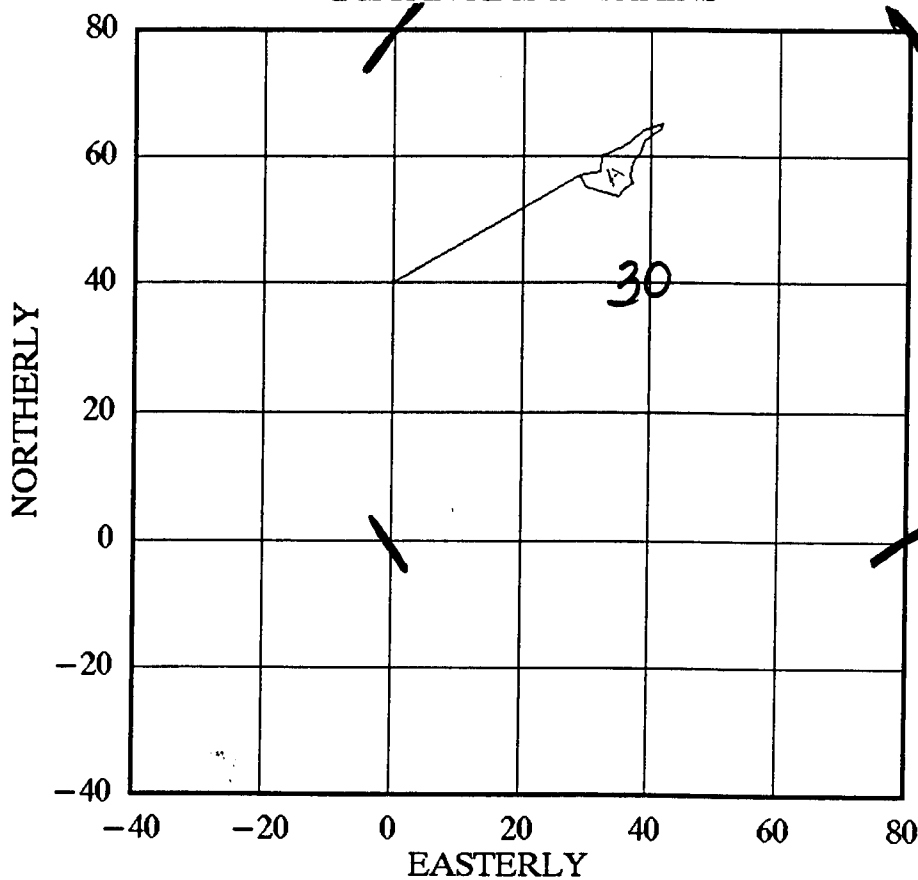
KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

OCT 18 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Cooley

*Exhibit A
for metes & bounds
attached to decree -
KW 1/11/96*

MEETS AND BOUNDS TABLE

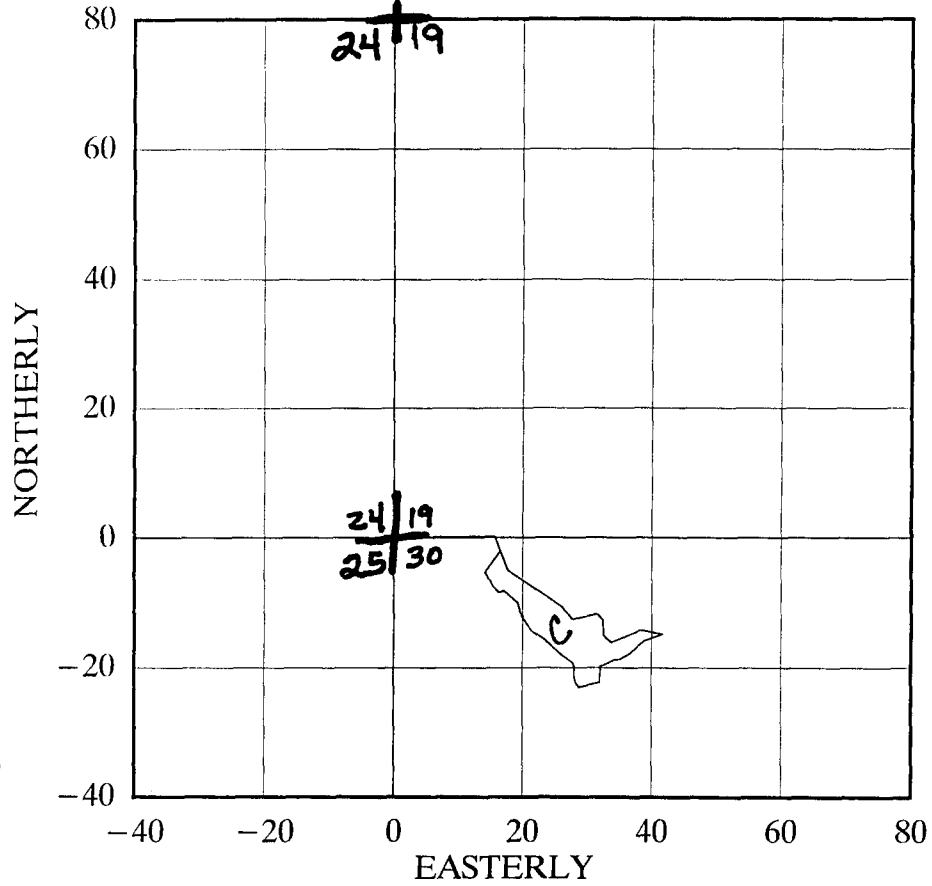
X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
		DEGREES	MINUTES	SECONDS		
0.00	40.00					
28.70	56.87	59.00	33.00	0.00	NE	2197.62
32.03	57.63	77.00	9.00	30.00	NE	225.37
32.15	60.17	2.00	39.00	30.00	NE	167.84
33.23	60.51	72.00	39.00	30.00	NE	74.52
34.25	61.11	59.00	21.00	0.00	NE	78.14
35.00	61.14	87.00	54.00	0.00	NE	49.89
36.70	62.20	58.00	6.00	0.00	NE	131.88
38.73	63.99	48.00	35.00	0.00	NE	178.50
41.70	65.04	70.00	31.00	40.00	NE	208.29
41.51	64.30	14.00	48.00	0.00	SW	50.47
38.81	62.43	55.00	17.00	0.00	SW	216.80
38.24	60.59	17.00	3.00	0.00	SW	127.20
37.10	58.95	34.00	47.00	0.00	SW	131.70
36.71	57.00	11.00	22.00	0.00	SW	131.30
37.01	55.64	12.00	11.00	0.00	SE	91.60
36.85	55.64	89.00	6.00	0.00	SW	10.40
35.69	54.77	53.00	12.00	0.00	SW	95.50
34.83	53.75	39.00	57.00	0.00	SW	88.10
29.83	55.08	75.00	4.00	0.00	NW	341.36
28.70	56.88	32.00	11.00	30.00	NW	140.00

Cooley

MICROFILMED

OCT 18 1996

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Biloschautzke

*100
1/11/96
(per metes & bounds
attached to decree)
Exhibit C*

MICROFILMED
OCT 18 1996

B. J. Schaefer

DEGREES MINUTES SECONDS

=====						
BEGIN POINT COR.	0.00	0.00				
(SEE SHEET)	15.57	0.18	89.00	20.00	0.00 NE	1027.50
	16.50	-2.13	22.00	6.00	0.00 SE	164.50
	14.17	-5.33	36.00	10.00	0.00 SW	261.60
	15.33	-7.58	27.00	23.00	0.00 SE	167.11
-QUAD COEF-	16.29	-8.47	46.00	54.00	0.00 SE	86.33
IF NE, X=1,Y=1	16.98	-8.15	65.00	12.00	0.00 NE	50.19
IF SE, X=1,Y=-1	19.20	-10.06	49.00	25.00	0.00 SE	193.42
IF SW, X=-1,Y=-1	19.80	-12.22	15.00	23.00	0.00 SE	148.15
IF NW, X=-1,Y=1	21.32	-14.32	36.00	2.00	0.00 SE	171.26
	23.32	-15.62	57.00	0.00	0.00 SE	157.44
	25.57	-17.76	46.00	23.00	0.00 SE	205.17
	27.66	-19.22	54.00	59.00	30.00 SE	167.76
	28.08	-19.92	31.00	15.00	0.00 SE	53.50
	27.90	-21.04	9.00	5.00	0.00 SW	75.13
	28.21	-22.47	12.00	29.00	0.00 SE	96.43
	28.44	-22.54	72.00	57.00	0.00 SE	15.86
	28.64	-23.04	20.00	49.00	0.00 SE	35.83
	31.96	-22.28	77.00	9.00	30.00 NE	225.37
	32.08	-19.74	2.00	39.00	30.00 NE	167.84
	33.16	-19.41	72.00	39.00	30.00 NE	74.52
	34.18	-18.80	59.00	21.00	0.00 NE	78.14
	34.93	-18.78	87.00	54.00	0.00 NE	49.89
	36.63	-17.72	58.00	6.00	0.00 NE	131.88
	38.66	-15.93	48.00	35.00	0.00 NE	178.50
	41.63	-14.88	70.00	31.00	40.00 NE	208.29
	38.18	-14.18	78.00	36.00	0.00 NW	232.42
	33.69	-16.18	66.00	0.00	0.00 SW	324.21
	32.44	-15.03	47.00	30.00	0.00 NW	112.05
	32.37	-12.73	1.00	50.00	0.00 NW	152.46
=====	31.48	-11.82	44.00	40.00	0.00 NW	83.80
	27.63	-12.59	78.00	40.00	0.00 SW	258.72
	26.07	-10.66	39.00	0.00	0.00 NW	163.89
	17.67	-5.01	56.00	2.00	0.00 NW	668.16
	16.51	-2.13	22.00	6.00	0.00 NW	205.07

MICROFILMED

OCT 18 1996

C4
4-19-95

The deeds that accompanied the change of ownership from Biloschaetzke to Cummings described several parcels. Two of the deeds described a Parcel B. The first deed dated 8-4-88 conveyed Parcel B to Duane K. Troup. The second deed dated 10-19-90 conveyed Parcel B to Tony R. and Nolene B. Weaver. Parcel B does not appear to be a place of use for claims A63-00317A, A63-15100 and A63-15101.

The deed that conveys property to Cummings includes a Parcel I and a Parcel II. The map attached to the claims includes Parcel I and Parcel II plus an additional piece of property. Parcels I and II are also described in the "Decree Vesting Estate in Surviving Spouse" in which Gisela Biloschaetzke is described as sole beneficiary of Horst Biloschaetzke.

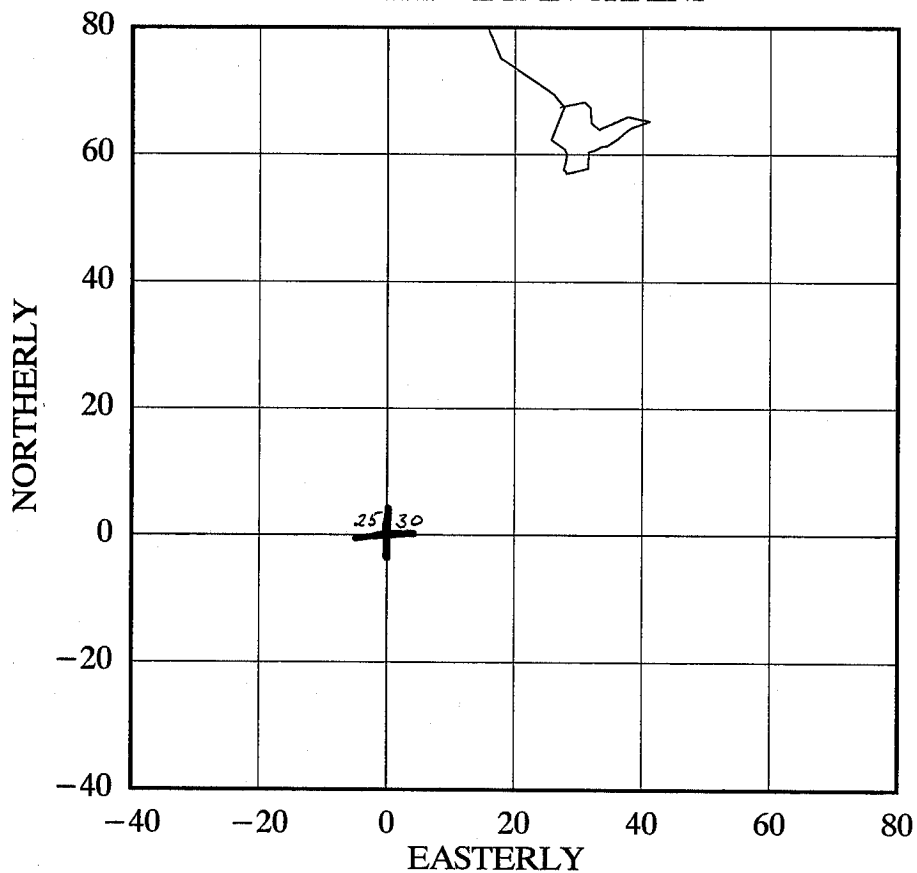
Parcels I and II total 12.319 ac. and the claimed irrigated acreage is 12. Therefore, I have assumed that the claims have not been split and the change of ownership can be processed.

Stephanie Watts of Idaho Properties (375-3750) hand delivered the change of ownership form to the S. MICHAEL MED she requested the processed papers ~~to~~ ^{ACT} 1996

picked up by her for Mr. Cummings.

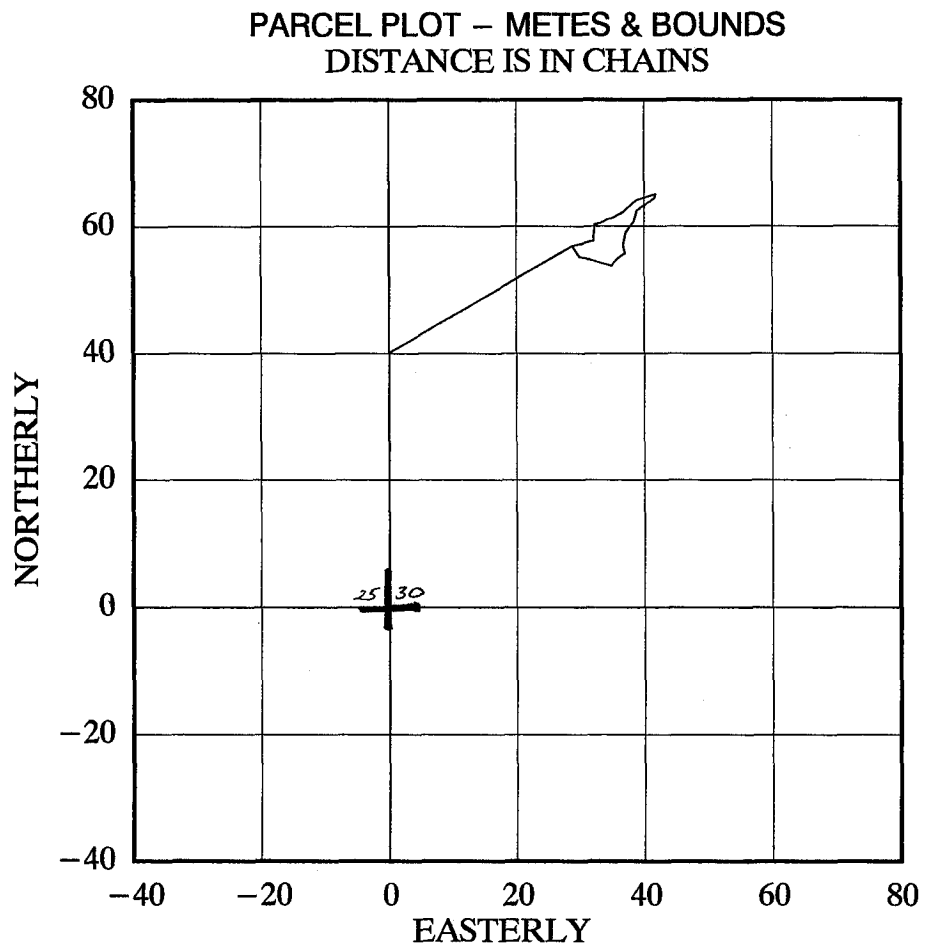
Parcel I

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



MICROFILMED
OCT 18 1996

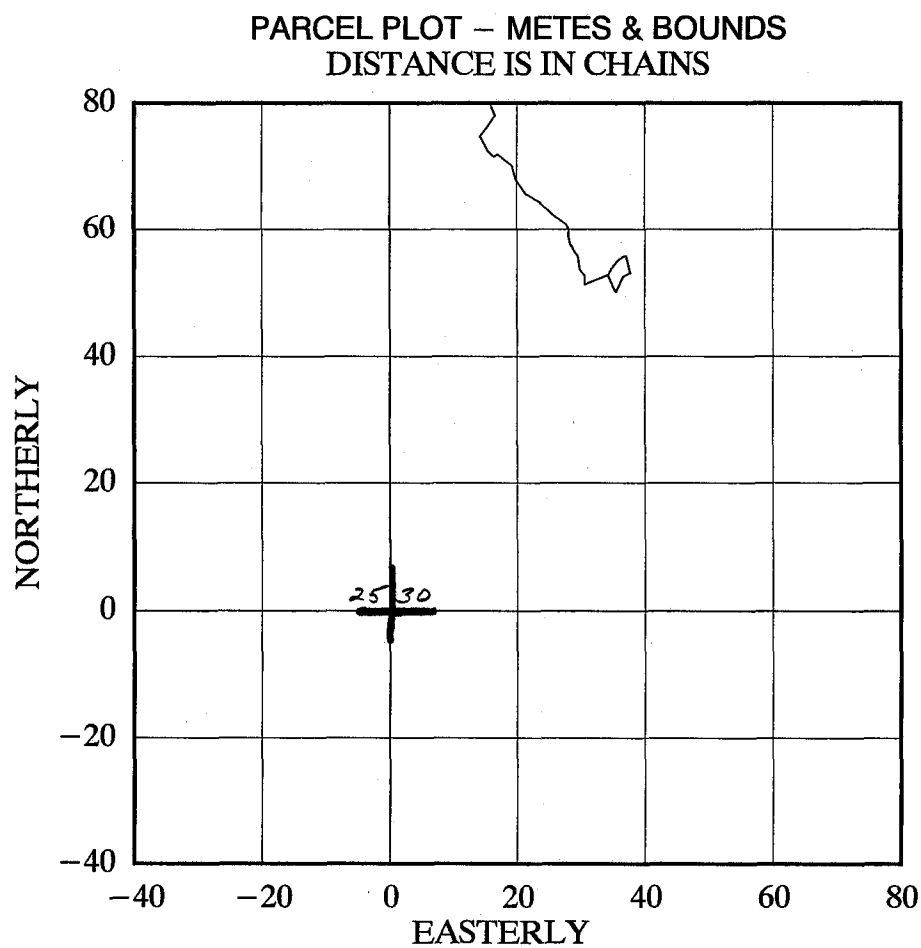
parcel II



MICROFILMED

OCT 18 1996

Parcel B



Sold to Duane K Troup 8-4-1988
Sold to Tony R. and Nolene B Weaver 10-19-90

MICROFILMED
OCT 18 1996

MEMO TO SRBA CLAIM FILE NO. A63-00317A

CLAIMANT'S NAME: Horst O. Biloschaetzke

PHONE NO. 345-5690 DATE: March 20, 1990

FROM: Jeff Peppersack

This claim was originally filed under number A63-00317A on March 13, 1989. This claim was a combination of the "A" and 1/2 of the "C" portion as designated in the 1979 decree. On May 3, 1989 this claim was renumbered as A63-00317B because another claim was on the host master as A63-00317A. During this renumbering, the remarks were incorrectly changed to show that the claim was a combination of the "B" and 1/2 of the "C" portion. The renumbered claim was also incorrectly shown as an amended claim.

This claim has been renumbered as A63-00317A (as originally claimed) to more closely match the 1979 decree and the water rights database and to avoid any future confusion.

Please see file correspondence for A63-00317B (Eugene Phillips) for additional reference.

MICROFILMED MICROFILMED
OCT 18 1996 AUG 17 1992

From: DWR03::SHAFF
To: DWR80::SHURTE
CC: SHAFF
Subj: A63-00317s

20-MAR-1990 09:46:41.97

Jeff has done some wrestling with Bilo's and Phillips' claims up on Robie Creek and has a reasonable solution for assignment of the suffixes. At this moment you will find both A & B on your region file for Phillips because I AJ3ed Phillips "initial" A to B today. On WR Bilo is an A and Phillips is a B. Up to now Jeff's A for Bilo is my region file because a A for Phillips beat him to the HOST. When Jeff's signed claim for Bilo's A got out there, it was AJ3ed to a B. Now I would like to swap suffixes around.

I was getting there just fine until I (!) got a NO PRIVILEGE FOR ATTEMPTED OPERATION on AJDEL. Would you AJDEL Phillips' A63-00317A on your region file today? The consequence of waiting is Phillips' A will get stuck on your file in the BAT UPD that is not really serious if you are swamped today. I bumped Phillips' A off the HOST so Bilo's A here will UPD. Thanx

MICROFILMED
OCT 18 1996

~~MICROFILMED~~
~~AUG 17 1992~~

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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-30310

2004 NOV 5 AM 10 56

NAME AND ADDRESS: STEVEN D CUMMINGS
545 ROBIE CREEK
BOISE, ID 83716

SOURCE: ROBIE CREEK TRIBUTARY: MORES CREEK

QUANTITY: 0.22 CFS

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

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION: T04N R04E S30 NWSEWN Within Boise County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 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 S30 NWNE 0.5 NENW 5.5
SENEW 4.0
10.0 Acres Total

Stockwater Within Boise County
T04N R04E S30 NWNE NENW
SENEW

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).

Ron

RECEIVED

FEB 4 - 2003

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 63-30310
(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: Steven D Cummings

Address: 545 Robie Creek
Boise, ID 83716

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:

11. I object because:

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

E. REASONS SUPPORTING EACH OBJECTION(S):

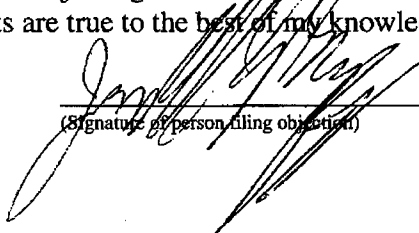
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

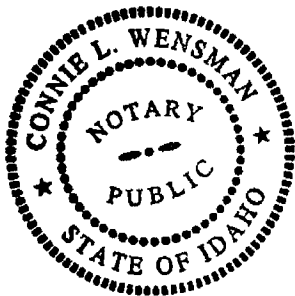
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003





Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 31, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: Steven D Cummings

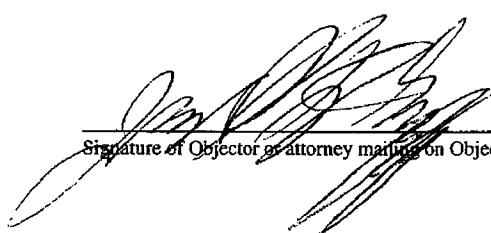
Address: 545 Robie Creek
Boise, ID 83716

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

**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 Number: See Attachment A
(Insert water right number)

**STANDARD FORM 1
OBJECTION RECEIVED**

JAN 31 2003

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District
Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Amy D. Chestnut, ISB # 5904
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

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

Name: See Attachment B
Address:

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: April 1 to November 1
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

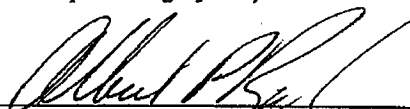
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

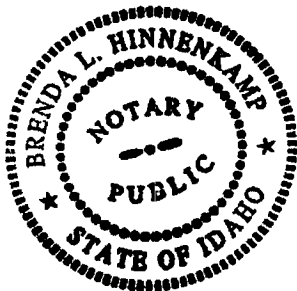
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)


(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
Elizabeth 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 01/03/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-30310

NAME AND ADDRESS: STEVEN D CUMMINGS
545 ROBIE CREEK
BOISE ID 83716

SOURCE: ROBIE CREEK

TRIBUTARY: MORES CREEK

QUANTITY: 0.22 CFS

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

PRIORITY DATE: 04/01/1896

POINT OF DIVERSION:

T04N R04E S30 NWSENE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.200 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T04N R04E S30	NWNE	0.5	T04N R04E S30	NENW	5.5
T04N R04E S30	SENE	4.0			

STOCKWATER Within BOISE County

T04N R04E S30	NWNE	T04N R04E S30	NENW
T04N R04E S30	SENE		

10 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: Decreed

STOCKWATER, 12 HORSES AND RANGE CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-317A & PART OF 63-317C.

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

CLAIM NO(s). 463-30310

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: 4-1-1896.
(If the priority date, based on your exam, seems questionable, explain below.)

as decreed

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

- * 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 30 1/4 NW 1/4 SE 1/4 NW - GPS verified
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

* POD in NENWNW, S30 no longer used but ditch is still in place and can be used to irrigate the NW portion of PO4. The main system is composed of a buried mainline or portables to impact heads.

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

Use IRR. From 3-15 To 11-15 Amount .20 CFS _____ AFA
Use STH 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 .22 CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # 12. List types: _____

Additional comments: _____

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

Use: IRR Township 4N Range 4E Section 30 1/4 NW 1/4 NE .5
Use: _____ Township _____ Range _____ Section _____ 1/4 NE 1/4 NW 5.5
Use: _____ Township _____ Range _____ Section _____ 1/4 SE 1/4 NW 4.0
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

Claimant is satisfied with an inch / acre.
Stockwater added but total DR reduced so OK!

C18, C03, N05, N08, Exp-sth, combines 317A & C

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11-5-2001

FIELD EXAMINER: _____

Print Name

Mel Schulte
Signature

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-30310

01/03/2002

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-30310	Claim	04N	04E	30	NW	NE		IRRIGATION	1/12	STEVEN D CUMMINGS
63-317A	Water Right	04N	04E	30	NW	NE		IRRIGATION		ROSEMARY COOLEY
63-317B	Water Right	04N	04E	30	NW	NE		IRRIGATION		LAVONNE PHILLIPS
63-387	Water Right	04N	04E	30	NW	NE		IRRIGATION		ROSEMARY COOLEY
63-7733	Water Right	04N	04E	30	NW	NE		IRRIGATION	1/1	WILLIAM R HENDREN
63-7735	Water Right	04N	04E	30	NW	NE		IRRIGATION	1/1	WILLIAM R HENDREN
63-30310	Claim	04N	04E	30	NE	NW		IRRIGATION	3/12	STEVEN D CUMMINGS
63-317A	Water Right	04N	04E	30	NE	NW		IRRIGATION		ROSEMARY COOLEY
63-317B	Water Right	04N	04E	30	NE	NW		IRRIGATION		LAVONNE PHILLIPS
63-317C	Water Right	04N	04E	30	NE	NW		IRRIGATION		GISELA S BILOSCHAEZKE
63-387	Water Right	04N	04E	30	NE	NW		IRRIGATION		ROSEMARY COOLEY
63-317B	Claim	04N	04E	30	SE	NW		IRRIGATION	13/13	RICHARD A STULL
63-3447B	Claim	04N	04E	30	SE	NW		IRRIGATION	2/2	BIFF ESHELMAN
63-15101	Claim	04N	04E	30	SE	NW		IRRIGATION	4.5/4.5	STEVEN D CUMMINGS
63-30310	Claim	04N	04E	30	SE	NW		IRRIGATION	8/12	STEVEN D CUMMINGS
63-317A	Water Right	04N	04E	30	SE	NW		IRRIGATION		ROSEMARY COOLEY
63-317B	Water Right	04N	04E	30	SE	NW		IRRIGATION		LAVONNE PHILLIPS
63-317C	Water Right	04N	04E	30	SE	NW		IRRIGATION		GISELA S BILOSCHAEZKE
63-387	Water Right	04N	04E	30	SE	NW		IRRIGATION		ROSEMARY COOLEY
63-3447B	Water Right	04N	04E	30	SE	NW		IRRIGATION	2/2	ELVIN J ALBISTON

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-317A

WATER RIGHT NUMBER: 63-317A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STEVEN D CUMMINGS 545 ROBIE CREEK BOISE, ID 83716
Original Owner	GISELA BILOSCHAETZKE HC 33 BOX 2195 BOISE, ID 83706 (208)345-5690
Original Owner	HORST O BILOSCHAETZKE HC 33 BOX 2195 BOISE, ID 83706 (208)345-5690

Priority Date: 04/01/1896

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.500 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

ROBIE CREEK	NW1/4SE1/4NW1/4	Sec. 30, Twp 04N, Rge 04E, B.M.
BOISE County		
ROBIE CREEK	L1 NE1/4NW1/4NW1/4	Sec. 30, Twp 04N, Rge 04E, B.M.
BOISE County		

Place of UseIRRIGATION Within BOISE County

T04N R04E S30	NWNE	1.0	T04N R04E S30	NENW	3.0
T04N R04E S30	SENE	8.0			

Total Acres: 12

STOCKWATER Within BOISE County

T04N R04E S30 SENW

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-317A

1. General OTHER RIGHTS FOR IRRIGATION AND STOCKWATER: A63-15101 - WATER FROM MITCHELL CREEK FOR IRRIGATION OF 3 ACRES AND FOR STOCKWATER (ALSO DOMESTIC USES).
* STOCKWATER UNDER THIS RIGHT IS INSTREAM STOCKWATER IN THE NW1/4 OF SE1/4 OF NW1/4.
* THIS CLAIM COMBINES RIGHTS 63-00317A AND 1/2 OF 63-00317C * CHANGE OF OWNERSHIP PER FORM 42-1409(7). CLF 4-19-95 ***** SEE NO. A63-30310 (CLAIM RENUMBERED DUE TO COMBINATION OF THE 2 DECREED RIGHTS LISTED ABOVE - KW 1/16/1996)

Comments:Dates and Other Information:

Claim Received Date: 3/13/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-317C

WATER RIGHT NUMBER: 63-317C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HORST O BILOSCHAETZKE
	, ID
Original Owner	GISELA S BILOSCHAETZKE
	, ID

Priority Date: 04/01/1896

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

ROBIE CREEK

Sec. 30, Twp 04N, Rge 04E, B.M.

BOISE County

Place of UseIRRIGATION Within BOISE County

T04N R04E S30	NENW	T04N R04E S30	NWNW
T04N R04E S30	SWNW	T04N R04E S30	SENW

Conditions of Approval:Remarks:

- General P/D & P/U INCOMPLETE. SEE DECREE.
A PORTION OF THIS RIGHT WAS COMBINED WITH RIGHT NO. 63-00317A AND IS NOW
RECORDED UNDER NO. A63-30310. KW 1/16/1996

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-317A

WATER RIGHT NUMBER: 63-317A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSEMARY COOLEY
	, ID
Current Owner	OLIN COOLEY
	, ID

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

ROBIE CREEK

Sec. 30, Twp 04N, Rge 04E, B.M.

Place of UseIRRIGATION Within BOISE County

T04N R04E S30	NWNE	T04N R04E S30	NENW
T04N R04E S30	NWNW	T04N R04E S30	SWNW
T04N R04E S30	SENE		

Conditions of Approval:Remarks:

1. General P/D INCOMPLETE. SEE FILE.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-317C

WATER RIGHT NUMBER: 63-317C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GISELA S BILOSCHAETZKE
	, ID
Current Owner	HORST O BILOSCHAETZKE
	, ID

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROBIE CREEK	MORES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

ROBIE CREEK

Sec. 30, Twp 04N, Rge 04E, B.M.

BOISE County

Place of UseIRRIGATION Within BOISE County

T04N R04E S30	NENW	T04N R04E S30	NWNW
T04N R04E S30	SWNW	T04N R04E S30	SENW

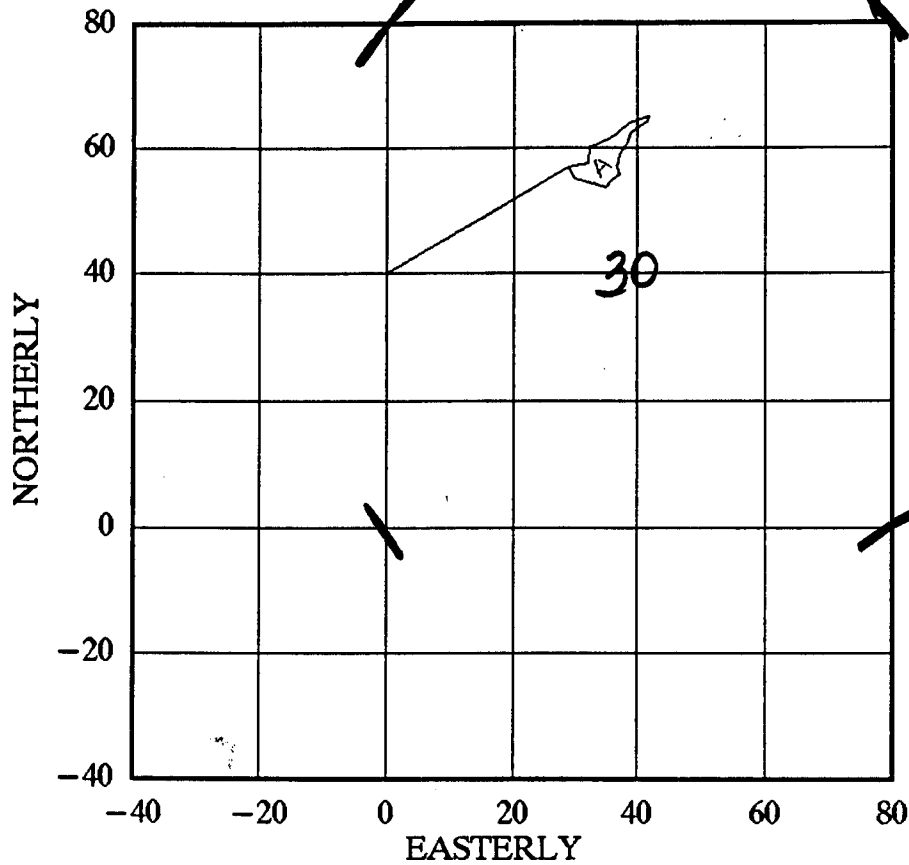
Conditions of Approval:Remarks:

1. General P/D & P/U INCOMPLETE. SEE DECREE.

Comments:Dates and Other Information:

A63-30310

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Cooley

*Exhibit A
Per metes & bounds
attached to decree -
KW 1/11/96*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

Case No. 921

OLIN COOLEY and ROSEMARY COOLEY

A part of the NW $\frac{1}{4}$ and a part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30,
T. 4 N., R. 4 E., B.M., Boise County, Idaho, described as
follows:

Commencing at the West $\frac{1}{4}$ section corner of Section 30, T.
4 N., R. 4 E., B.M.; thence N. 59°33' E., 2197.62 feet to
the point of beginning; thence

North 77°09'30" East, 225.37 feet; thence
North 2°39'30" East, 167.84 feet to the center of Mitchell
Creek; thence following the center of Mitchell Creek the
following courses:

North 72°39'30" East, 74.52 feet;

North 59°21' East, 78.14 feet;

North 87°54' East, 49.89 feet;

North 58°06' East, 131.88 feet;

North 48°35' East, 178.50 feet;

North 70°31'40" East, 208.29 feet to the center of the

County Road; thence following the centerline of the
County Road the following courses:

South 14°48' West, 50.47 feet;

South 55°17' West, 216.80 feet;

South 17°03' West, 127.20 feet;

South 34°47' West, 131.70 feet;

South 11°22' West, 131.30 feet;

South 12°11' East, 91.60 feet; thence leaving the centerline
of the County Road and thence

South 89°06' West, 10.40 feet; thence

South 53°12' West, 95.50 feet, thence

South 39°57' West, 88.10 feet; thence

North 75°04' West, 341.36 feet, thence

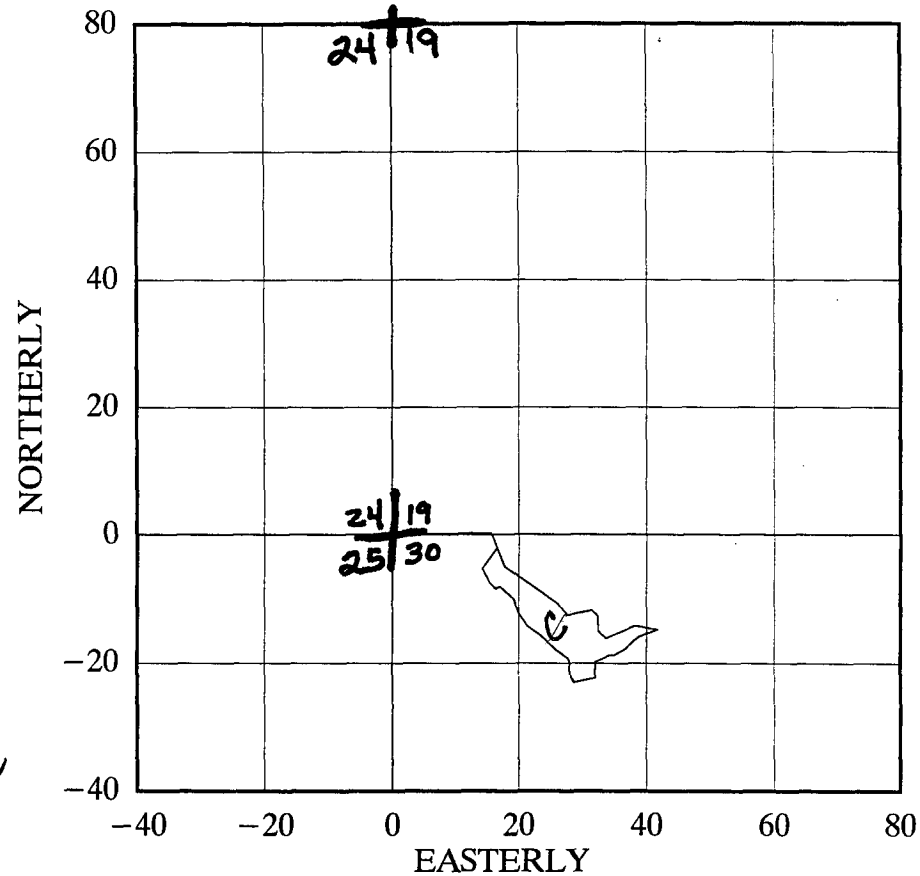
North 32°11'30", West 140.00 feet to the point of beginning.

Contains 4.809 acres, more or less.

EXHIBIT A

A63-30310

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



Biloschautzke

*100
1/11/96
(per metes & bounds
attached to decree)
Exhibit C*

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
2 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE

3 Case No. 921

4 HORST O. BILOSCHAEZKE and GISELA S. BILOSCHAEZKE

5 Beginning at the section corner common to Sections
6 19 and 30, T. 4 North, R. 4 East, B.M., and
Sections 24 and 25, T. 4 North, R. 3 East, B.M.,
7 thence

8 North 89°20' East 1027.50 feet along the section
line to a point, thence

9 South 22°06' East 164.50 feet to a point in the
centerline of the County Road, the real place
of beginning, thence

10 South 36°10' West 261.60 feet to a point on the
west bank of Robie Creek, thence along said west
bank South 27°23' East 167.11 feet, thence

11 South 46° 54' East 86.33 feet, thence

12 North 65°12' East 50.19 feet, thence

13 South 49°25' East 193.42 feet, thence

14 South 15°23' East 148.15 feet, thence

15 South 36°02' East 171.26 feet, thence

16 South 57°00' East 157.44 feet, thence

17 South 46°23' East 205.17 feet, thence

18 South 54°59' 30" East 167.76 feet,, thence

19 South 31°15' East 53.50 feet, thence

20 South 9°05' West 75.13 feet, thence

21 South 12°29' East 96.43 feet, thence

22 South 72°57' East 15.86 feet to a point on the

23 east bank of an irrigation ditch, thence along

24 said east bank South 20°49' East 35.83 feet to

25 a point, thence

26 North 77°09'30" East 225.37 feet to a point,
thence

27 North 2°39'30" East 167.84 feet to a point in the

28 centerline of Mitchel Creek, thence along said

centerline North 72°39'30" East 74.52 feet,
thence

29 North 59°21' East 78.14 feet, thence

30 North 87°54' East 49.89 feet, thence

31 North 58°06' East 131.88 feet, thence

32 North 48°35' East 178.50 feet, thence

33 North 70°31'40" East 208.29 feet to a point in the

34 centerline of the County Road, thence along said

35 centerline North 78°36' West 232.42 feet, thence

36 South 66°00' West 324.21 feet, thence

37 North 47°30' West 112.05 feet, thence

38 North 1°50' West 152.46 feet, thence

39 North 44°40' West 83.80 feet, thence

40 South 78°40' West 258.72 feet, thence

41 North 39°00' West 163.89 feet, thence

42 North 56°02' West 668.16 feet, thence

43 North 22°06' West 205.07 feet to the real place of
beginning. Said tract contains 14.509 acres more
or less.

28 State of Idaho }
County of Boise } SS.

E X H I B I T C

I hereby certify that the foregoing instru-
ment is a full true and correct copy of the
original on file in this office.

Dated March 8, 1989

ARLENE C. KOLAR, Clerk

By Ann Morgan
Deputy

4 2. All appropriations herein ordered, adjudged and decreed
5 are to be measured at the respective points of diversion as
6 hereinafter set forth.

7 3. The following-named parties to this action are entitled
8 to divert and use the waters of Robie Creek in Boise County, Idaho,
9 upon their respective tracts of land hereinafter described in the
10 following amounts and from the following dates and the same are
11 ordered, adjudged and decreed as follows:

12 63-0317A (a) To Plaintiffs, Olin Cooley and Rosemary Cooley,
13 husband and wife, for use upon and appurtenant to the
14 property described in Exhibit A which is attached hereto and
15 incorporated herein as if set out in full, fifteen miners
16 inches or 0.3 of a cubic foot per second with a priority of
17 April 1, 1896, and a point of diversion approximately 716
18 feet east of the northwest corner of Section 30, Township
19 4 North, Range 4 East, Boise Meridian, Boise County, Idaho.
20 During times of scarcity when the flow in Robie Creek at this
21 point of diversion is less than 50 miners inches or one cubic
22 foot per second, then 0.3 of the water available at that
point of diversion shall be for use on the property described
in Exhibit A.

23 63-0317B (b) To Plaintiffs, Eugene Phillips and Lavonne Phillips,
24 husband and wife, for use on and appurtenant to the real
25 property described in Exhibit B which is attached hereto
26 and incorporated herein as if set out in full, fifteen

6 may divert up to fifteen miners inches at either of the two
7 points of diversion but shall not exceed 15 miners inches total
8 between the two diversion points. During the times of scarcity
9 when the flow of water in Robie Creek is less than 50 miners
10 inches at the point of diversion described first above then
11 the quantity of water to be diverted for this property shall
12 be 0.3 of that existing at that point.

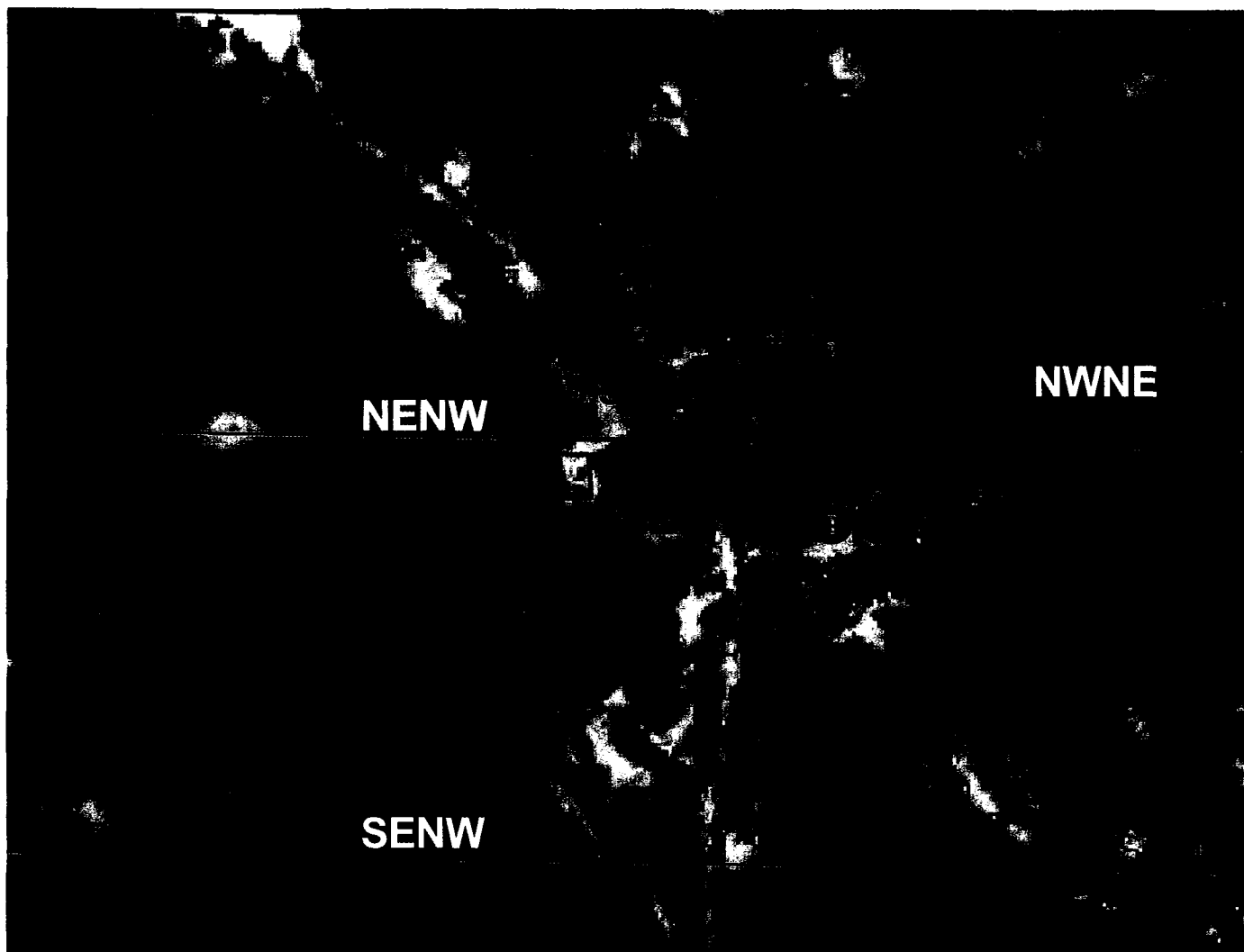
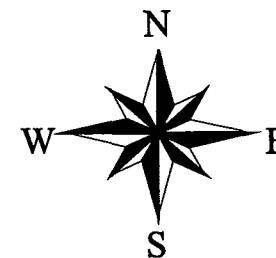
13 63-0317C (c) To the Defendants, Horst O. Biloschaetzke and
14 Gisela S. Biloschaetzke, husband and wife, for use on and
15 appurtenant to the real property described in Exhibit C
16 which is attached hereto and incorporated herein as if set
17 out in full, twenty miners inches of 0.4 of a cubic foot per
18 second with a priority date of April 1, 1896, with two points
19 of diversion; (1) approximately 716 feet east of the north-
20 west corner of Section 30, Township 4 North, Range 4 East,
21 Boise Meridian, Boise County, Idaho, and (2) at a point on
22 Robie Creek about 150 yards south of the above designated point
23 of diversion. Those Defendants may divert water to satisfy
24 this right out of either or both of the two points of
25 diversion but shall not exceed 20 miners inches total
26 between the two. During times of scarcity when the total
27 quantity of water in Robie Creek is less than 50 miners inches
28 at the first point of diversion described above then those
Defendants shall divert 0.4 of that then existing.

DECREE

A63-3031Q

IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

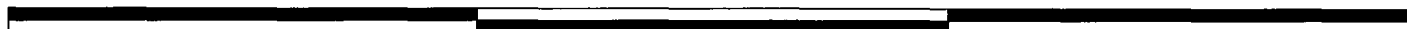
CLAIM(S): 63-30310

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

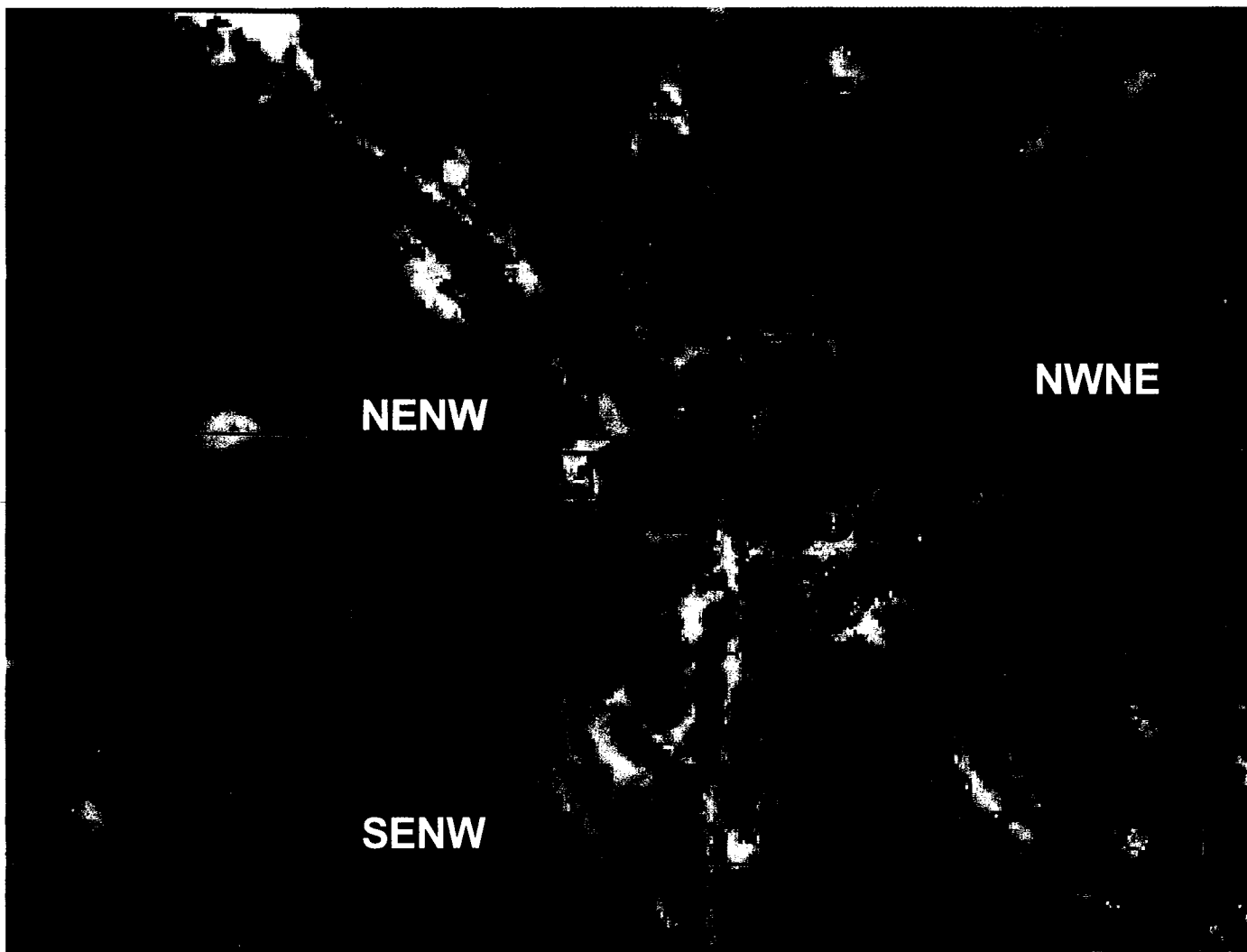
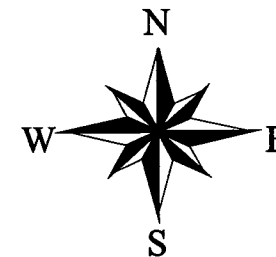
by: Mel Schulte

0 0.25 0.5 0.75 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

T04N, R04E, S30



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

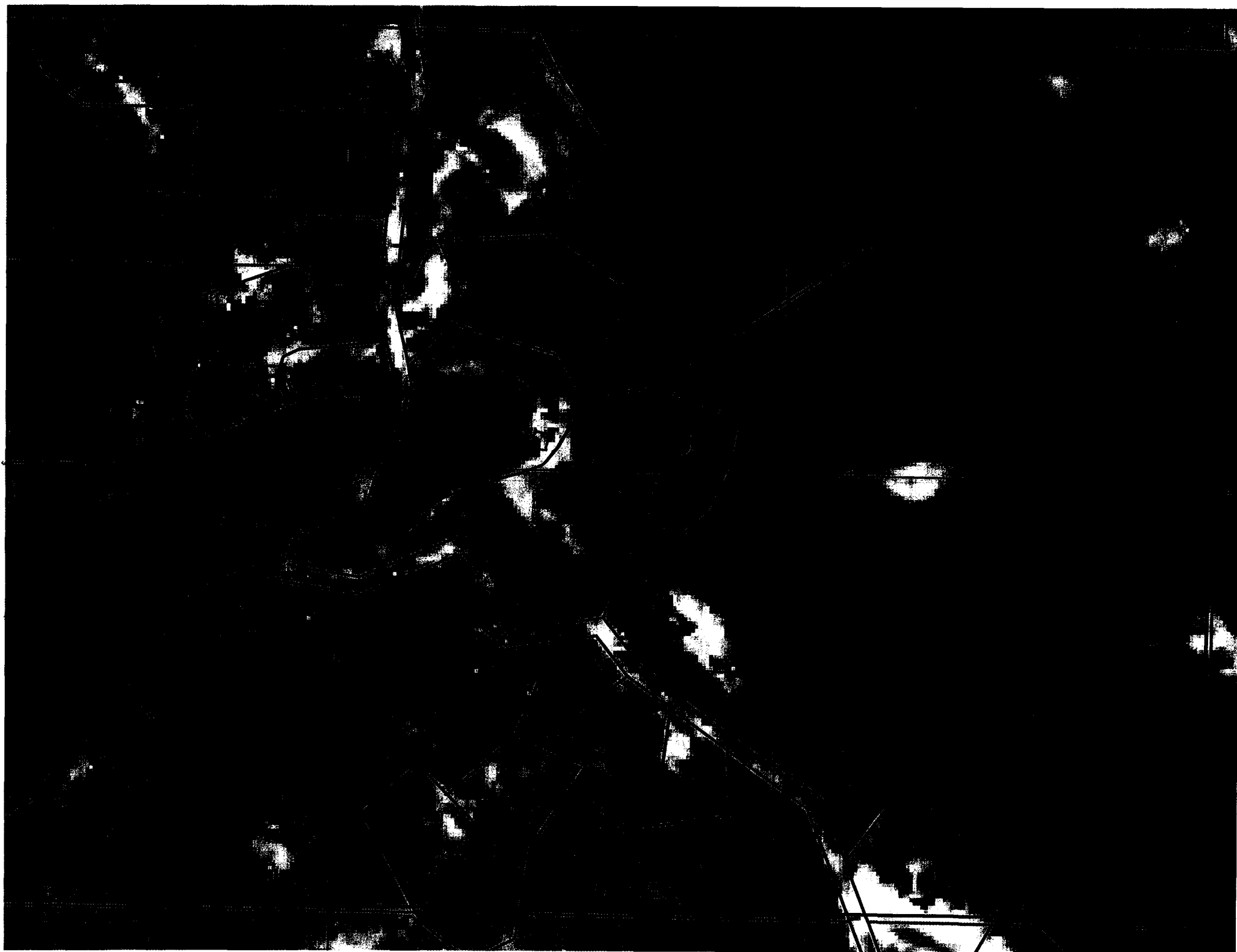
CLAIM(S): 63-30310

OWNER(S) : CUMMINGS, STEVEN

DATE: JANUARY 2, 2002

by: Mel Schulte

0 0.25 0.5 0.75 Miles





A63-30310

PHOTOS TAKEN: 11/05/2001



PHOTO # 1
POINT OF DIVERSION—
PUMP SITE IN THE
SENW, SECTION 30



PHOTO #2
DITCH FROM THE OLD
POD IN THE NWNW,
S30 THAT CAN STILL
BE USED TO IRRIGATE
THE LAND NW OF THE
HOUSE

A63-30310

PHOTOS TAKEN: 11/05/2001



PHOTO # 3
PLACE OF USE EAST OF
THE LANE LOOKING
WEST FROM THE
COUNTY ROAD



PHOTO #4
PLACE OF USE
LOOKING EAST FROM
THE WEST SIDE OF
THE PROPERTY

63-30310 - Cummings

1. all PODs still used? No - not ditch POD
2. How many acres irrigated from Robe C.? most of property from sprinklers or ditch
3. Delivery system -
4. 25" for 12 acres?
a - ditch loss No - satisfied with 1" / acre

→ 15100 - spring site? ~~spring site~~
NW of house.
15101

- 1) Where is upper POD? at road near lane to house
- 2) 15" for 3 acres? satisfied with 1" / acre
3. ditch loss OK.

$$3 \text{ ac} \times .03 = .09$$

$$\text{Dom} = .04 \text{ (see decree = 2 gpm)}$$

$$\text{Stork} = .02$$

$$\underline{\quad .15 = 7\frac{1}{2} \text{ "}} \quad$$

Shull / Richardson property

- 1) Who owns?