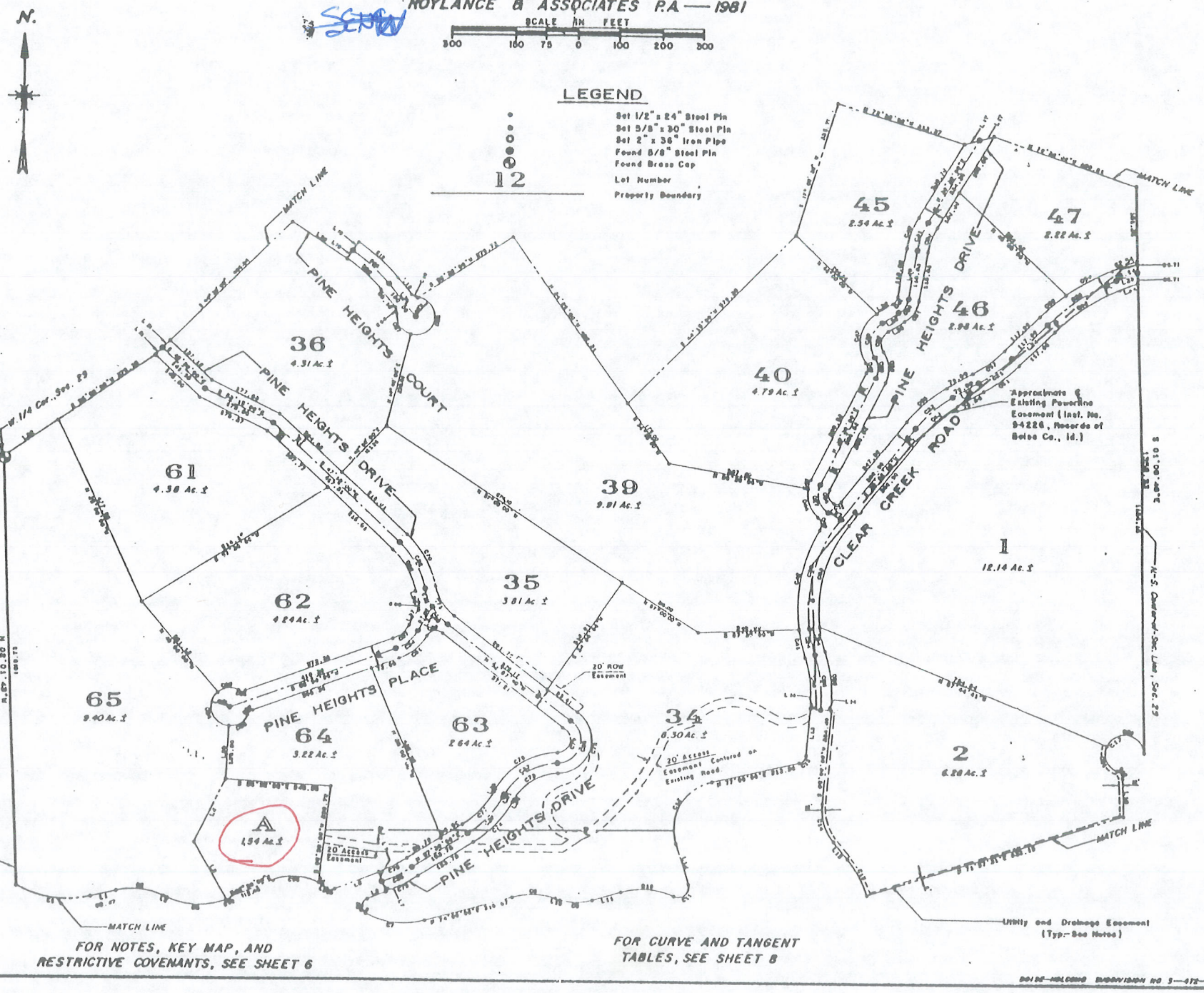
BOISE-HOLCOMB SUBDIVISION NO. 3

SITUATED IN PORTIONS OF SECTIONS 29 & 30, T.5N., R.4E., B.M., BOISE COUNTY, IDAHO

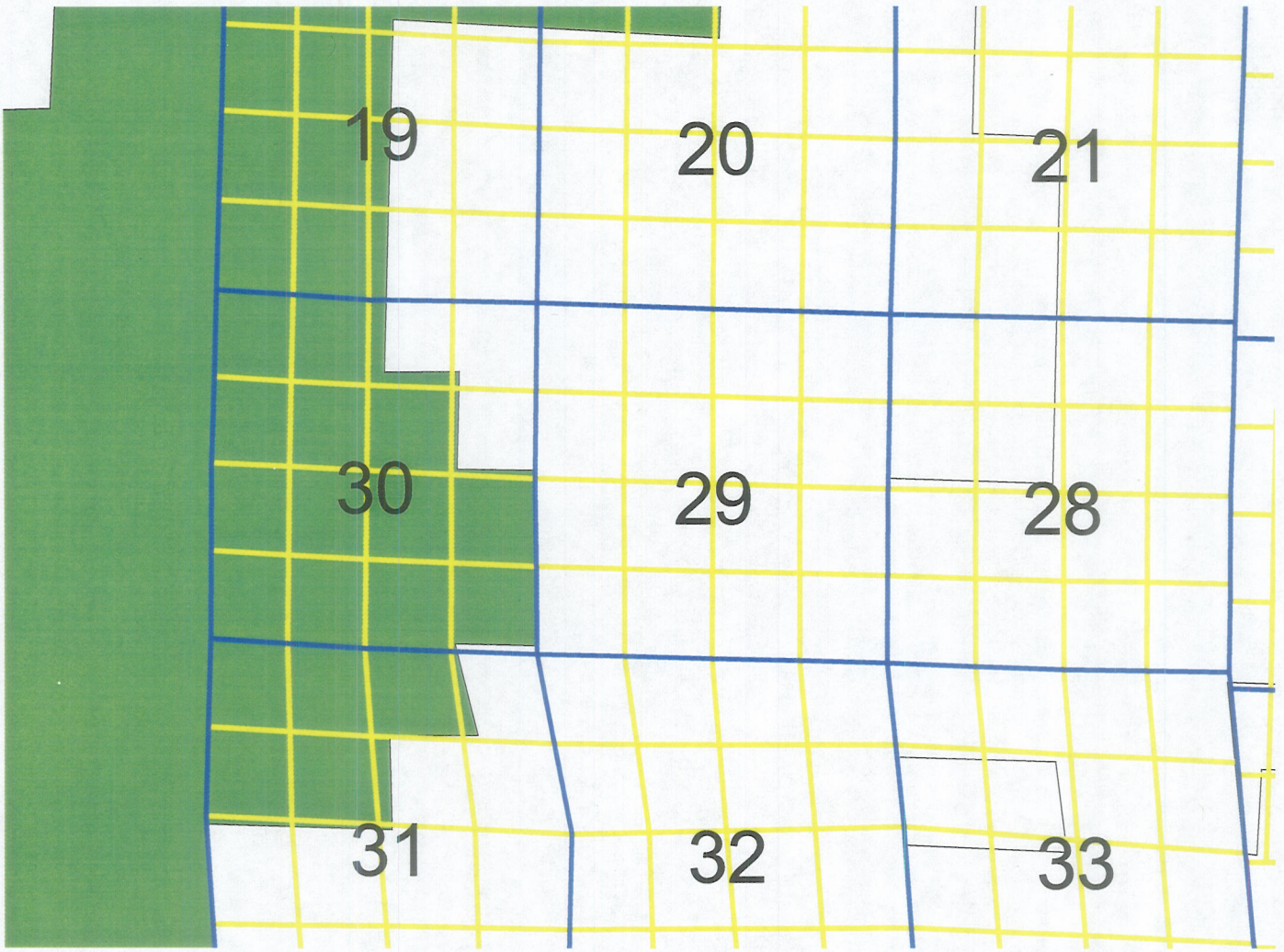
ROYLANCE & ASSOCIATES P.A. — 1981



FOR NOTES, KEY MAP, AND RESTRICTIVE COVENANTS, SEE SHEET 6

FOR CURVE AND TANGENT TABLES, SEE SHEET 8

63-31173 & 63-31174



0.9 0 0.9 1.8 Miles

Ds05n04e.shp
T05n04e.shp
Idown.shp
B.L.M.
Bureau of Indian Affairs
Department of Energy
Forest Service
Military Reservations
National Parks & Monuments
Open water
Private
State of Idaho
U.S. Fish & Wildlife Service

POD - NW NW Sec. 30.
USFS LAND

N
W
E
S

A63-31173 PHOTOS TAKEN 10/26/2001

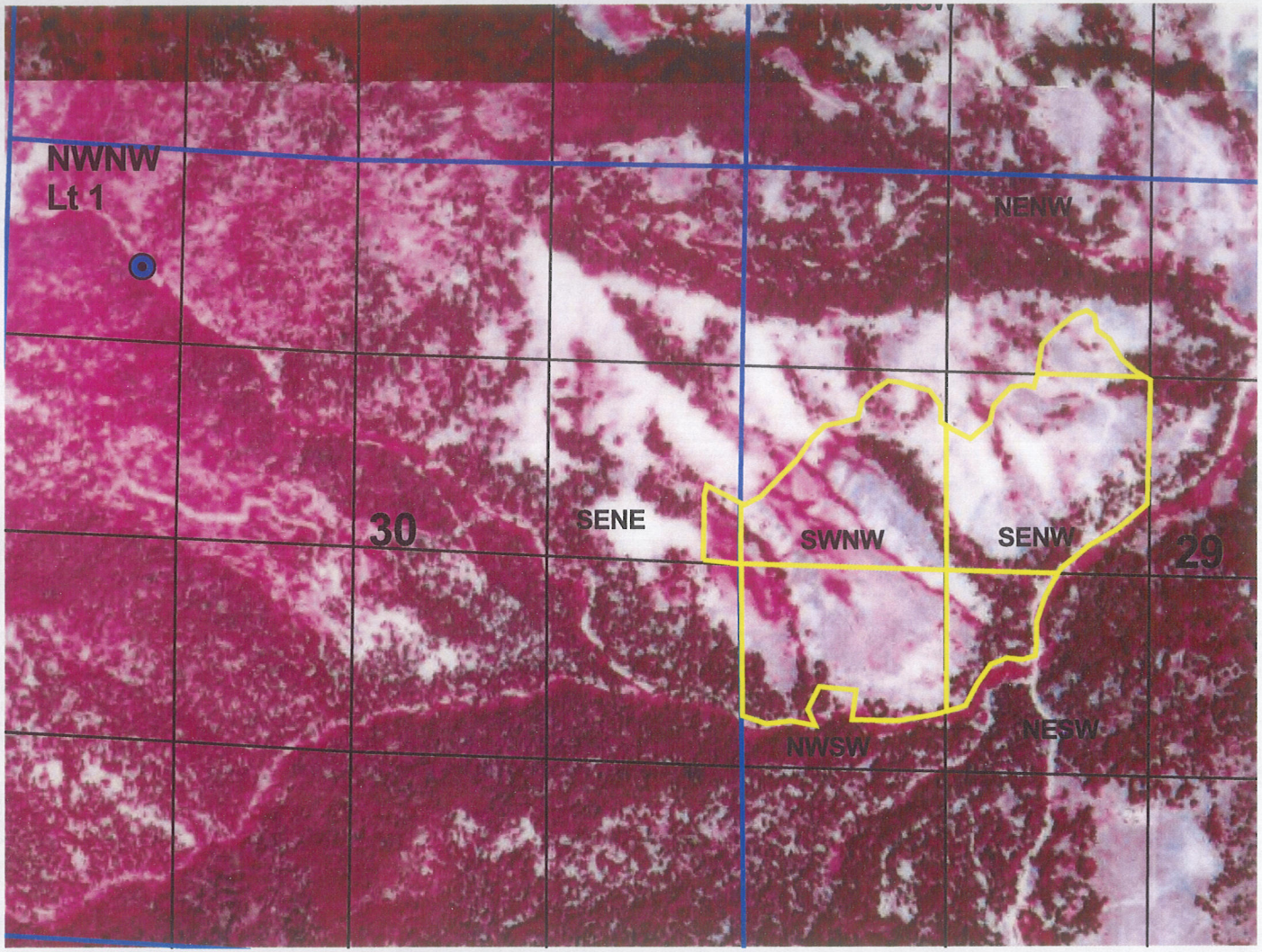


PHOTO #1
POU- PART-LOOKING SOUTH FROM SITE OF MEASUREMENT



PHOTO #2
POU-PART LOOKING SE FROM SITE OF MEASUREMENT

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

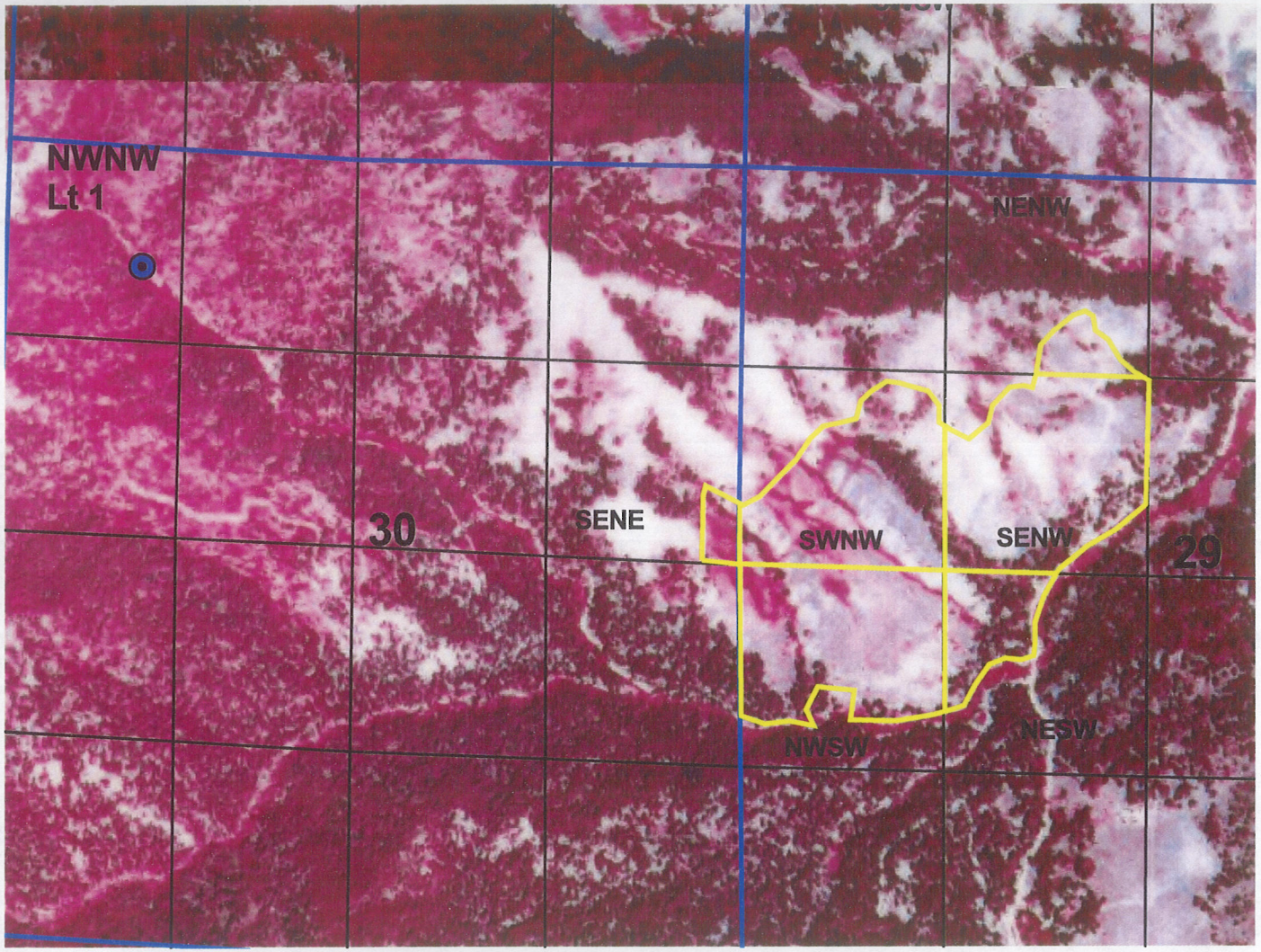
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

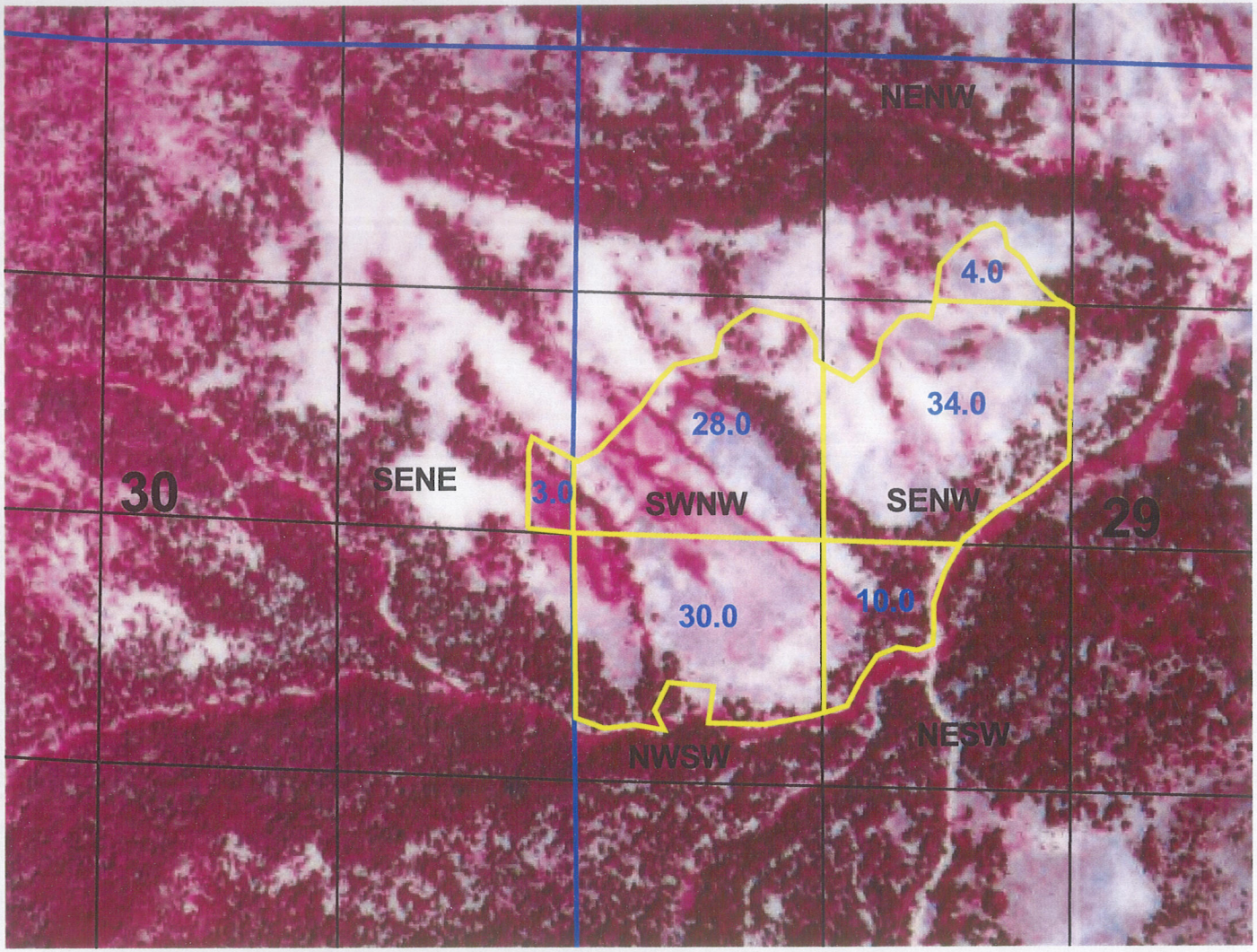
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

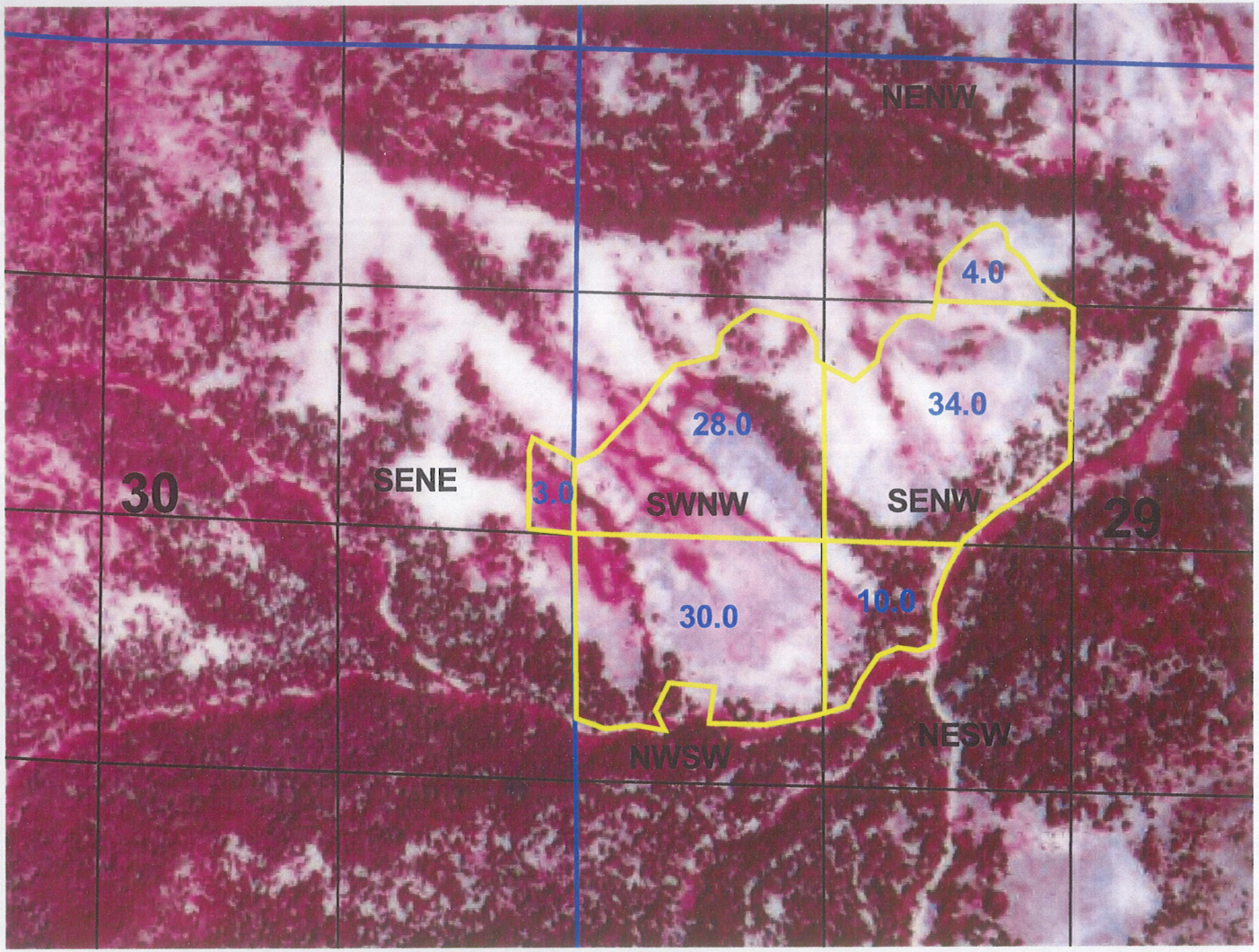
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

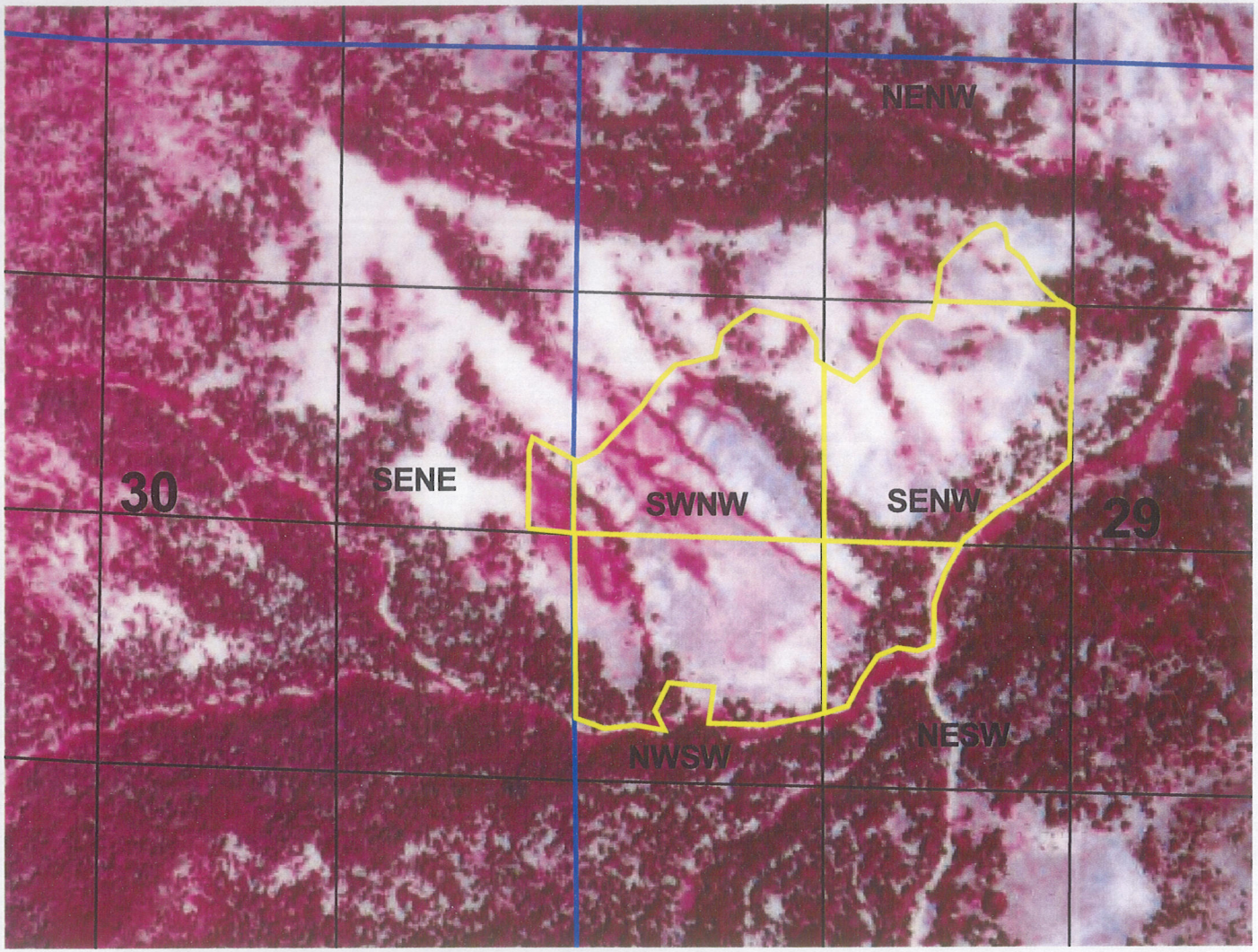
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

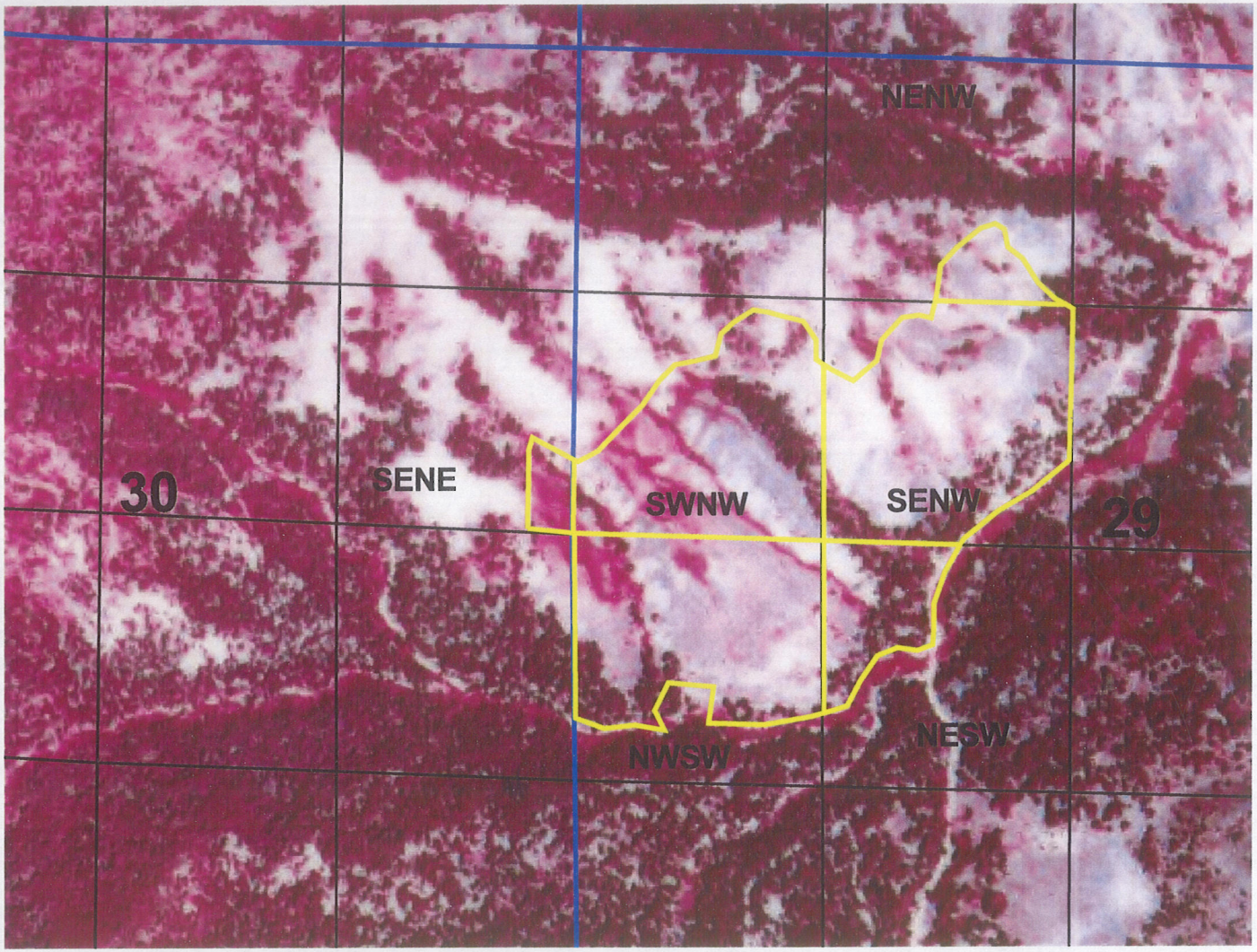
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

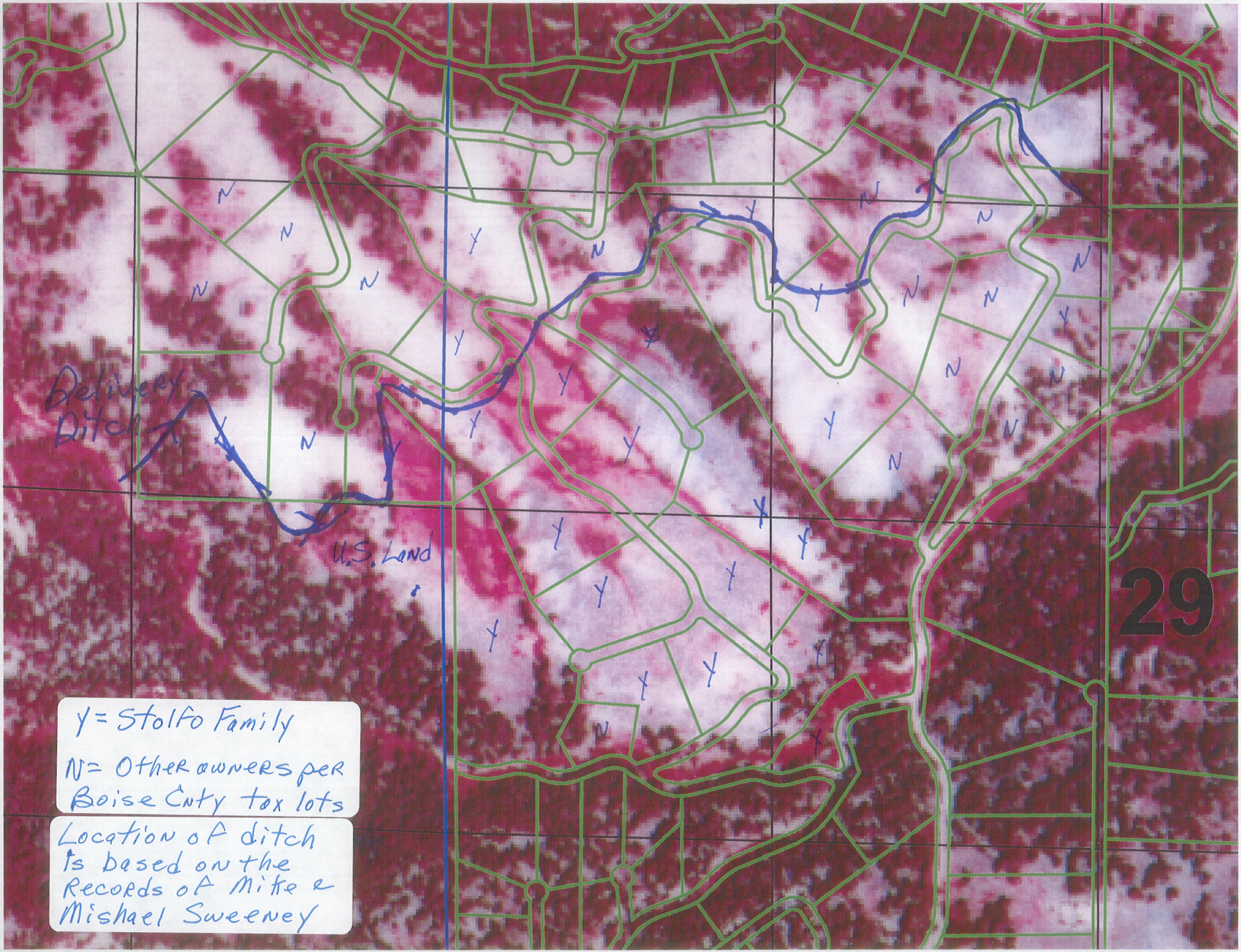
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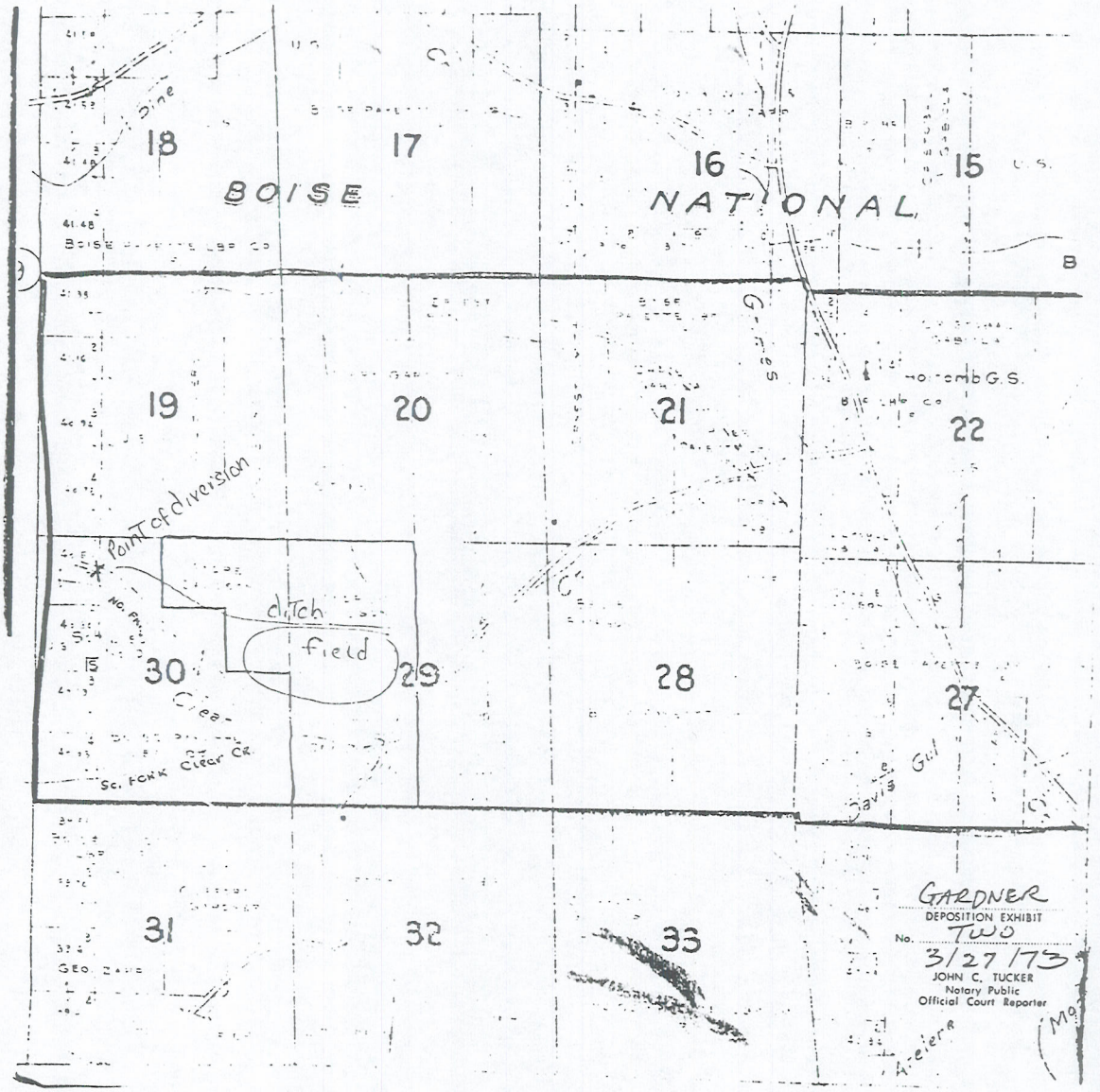
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

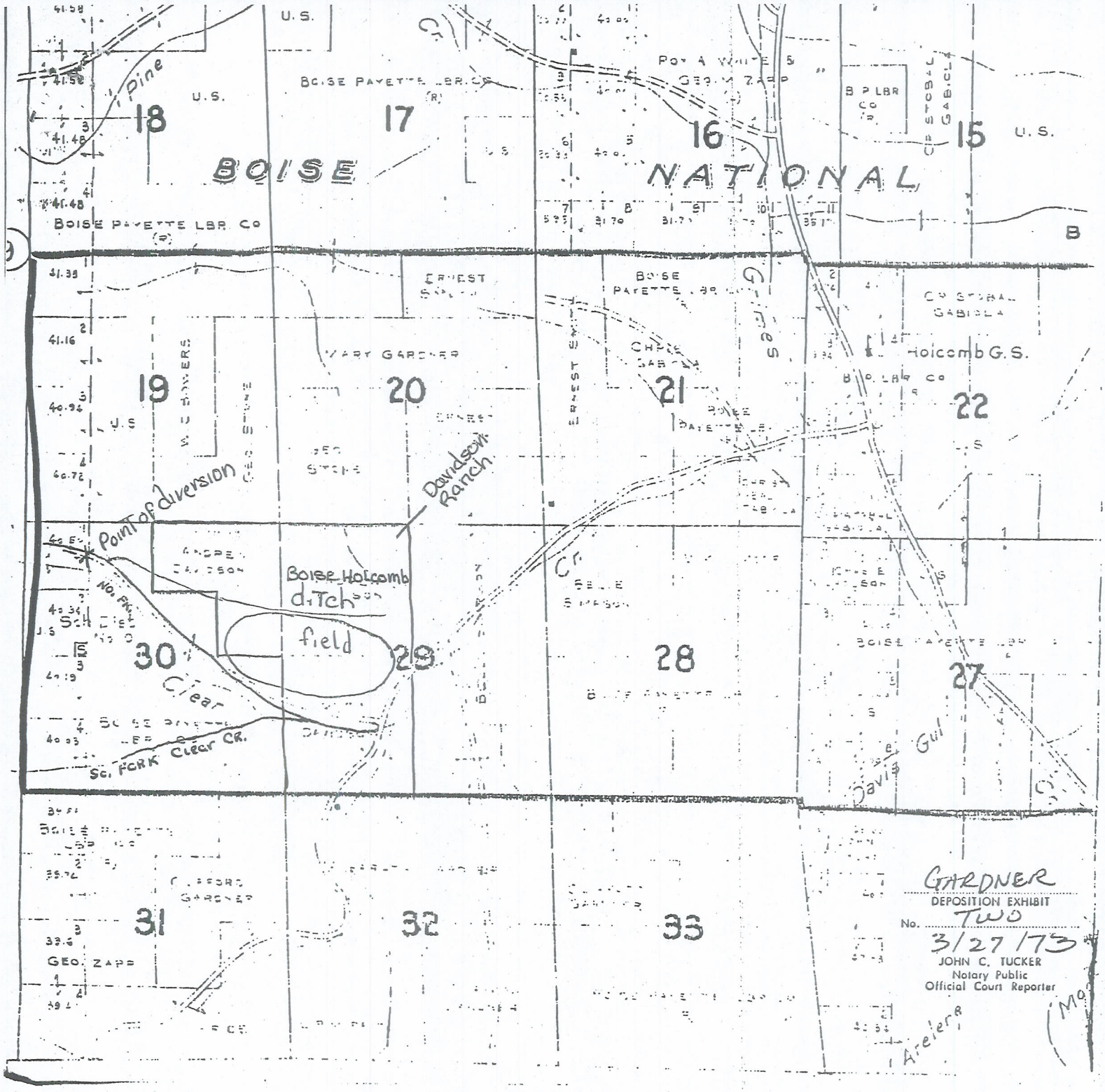
DATE: NOVEMBER 2, 2001

by: Mel Schulte


Delivery Ditch
U.S. Land
29
Y = Stolfo Family
N = Other owners per Boise Cnty tax lots
Location of ditch is based on the Records of Mike & Mishael Sweeney

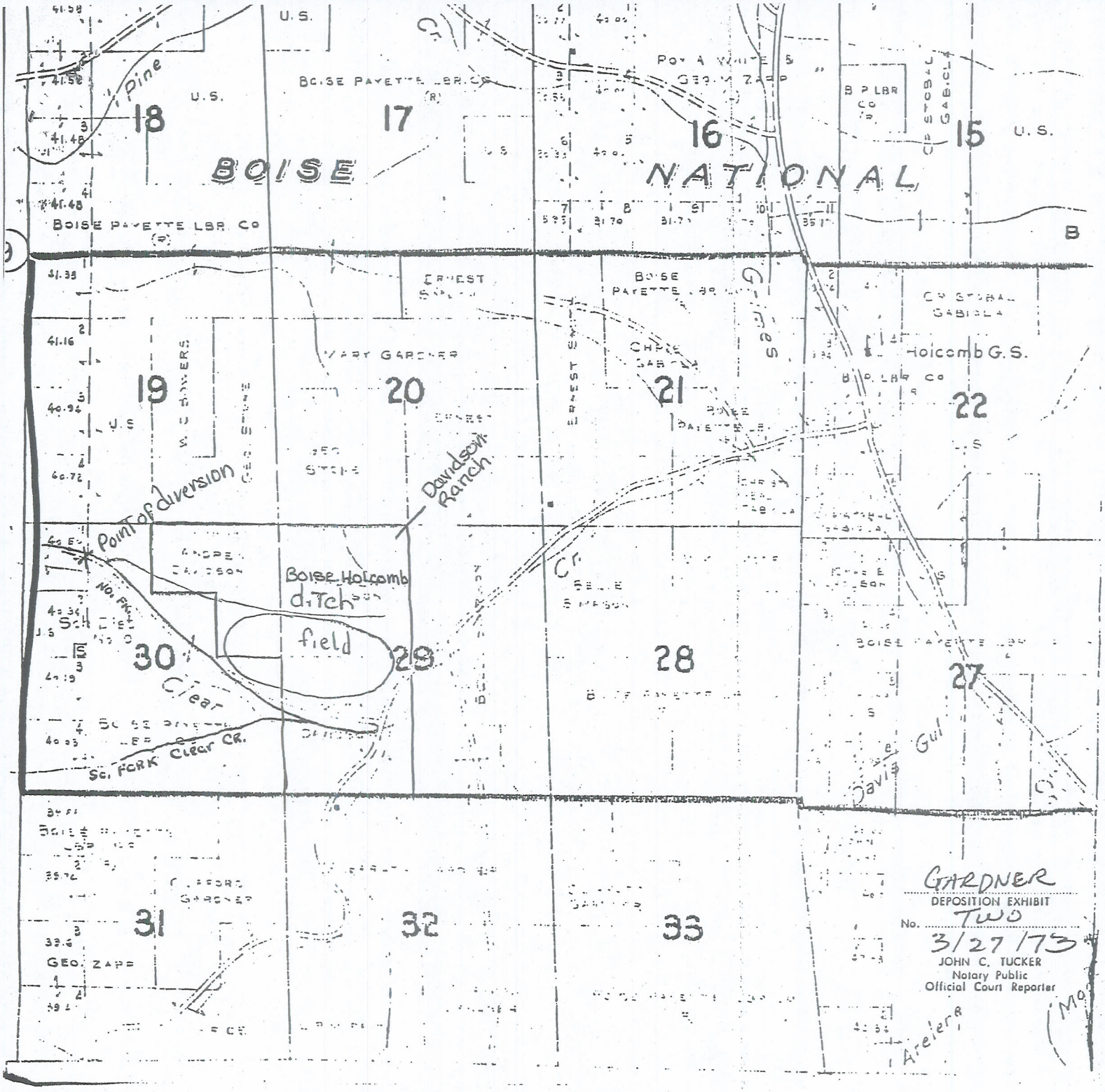

18
17
16
15
BOISE
NATIONAL
19
20
21
22
Point of diversion
ditch
field
30
29
28
27
Sc. Fork Clear Cr.
31
32
33
GARDNER
DEPOSITION EXHIBIT
No. TWO
3/27/73
JOHN C. TUCKER
Notary Public
Official Court Reporter

T 5 N. R 4 E.



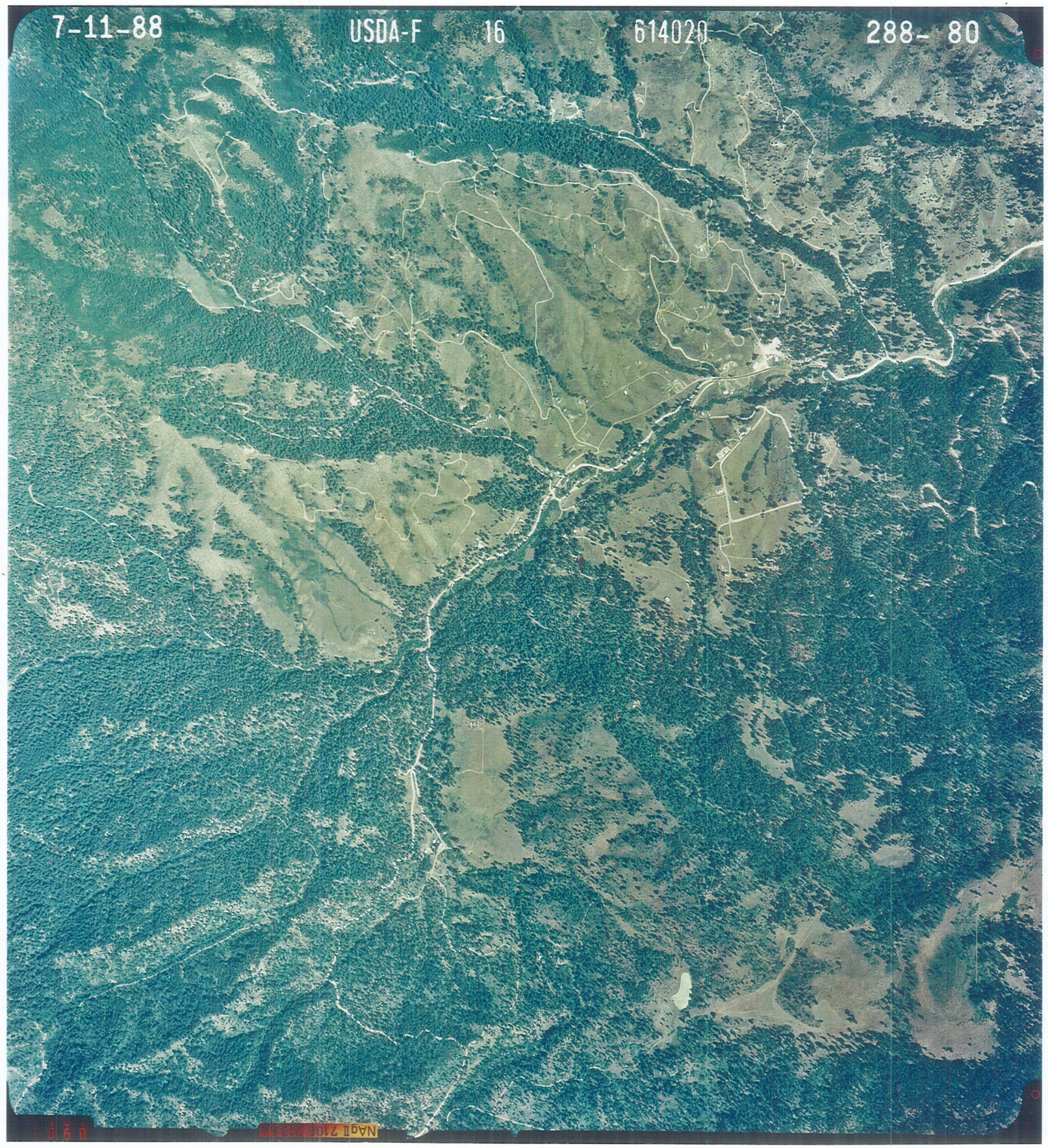
T. 5 N. R. 4 E.

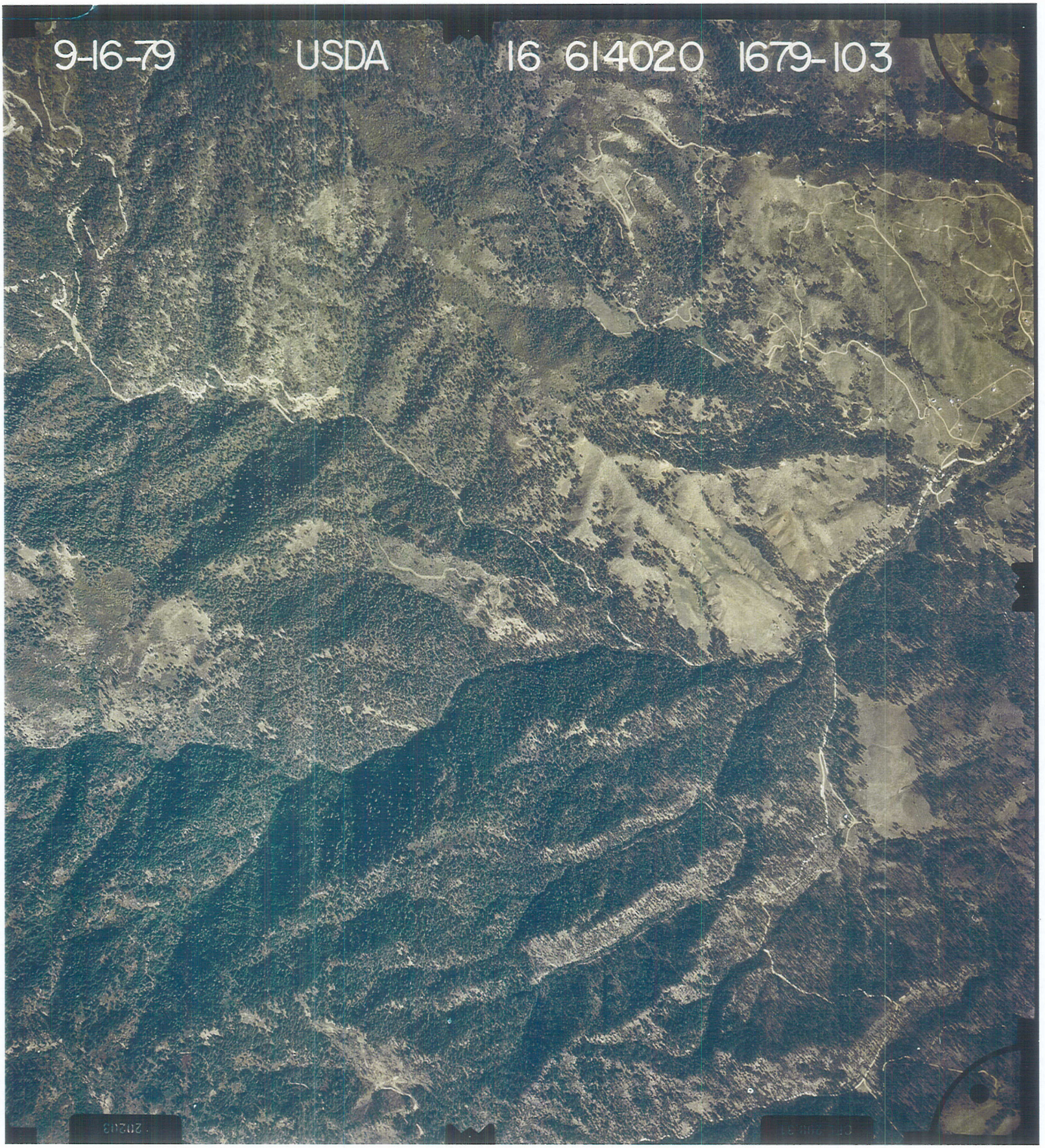
Boise Holcomb, Inc. - Water Claim

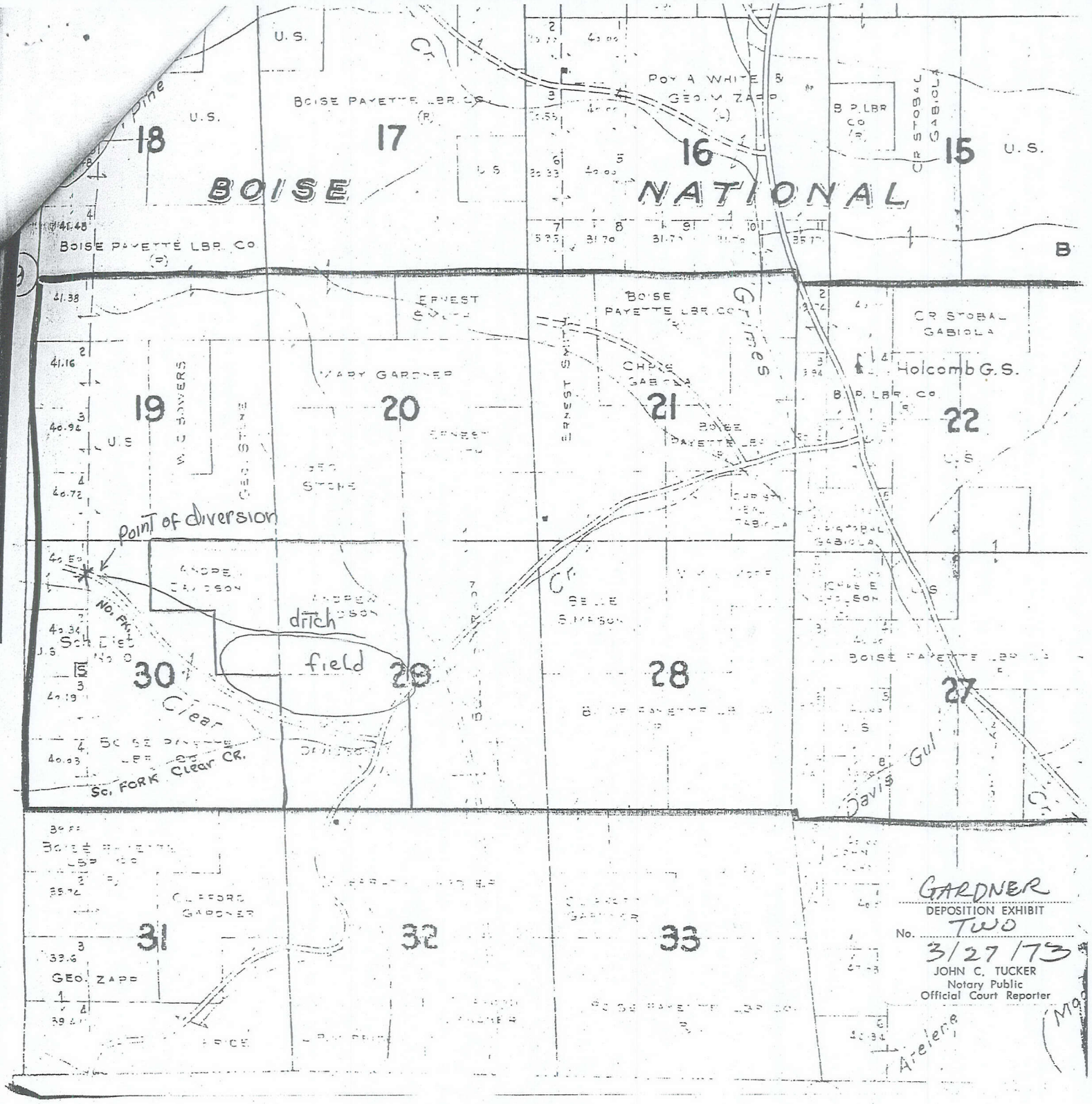


T. 5 N. R. 4 E.

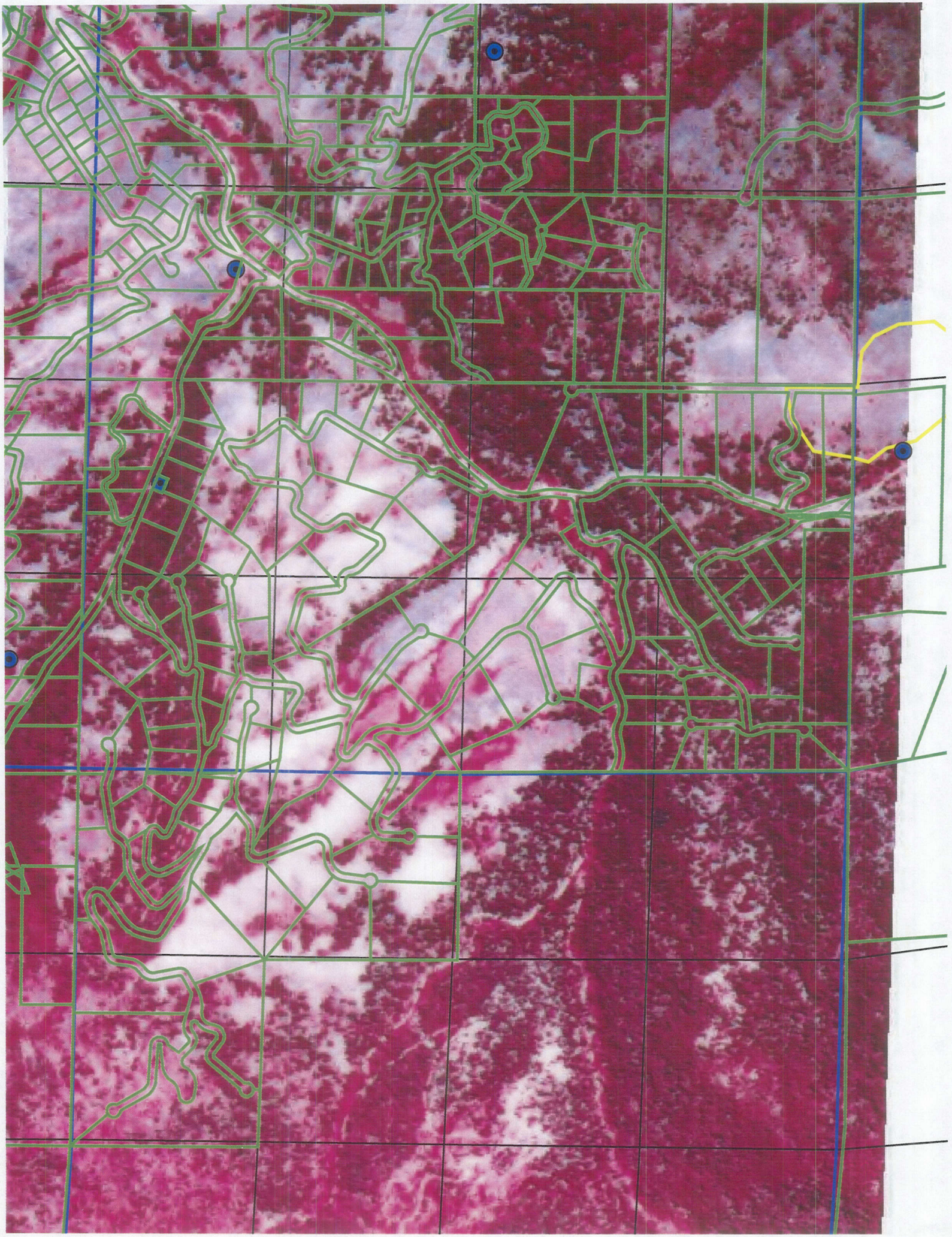
Boise Holcomb, Inc. - Water Claim

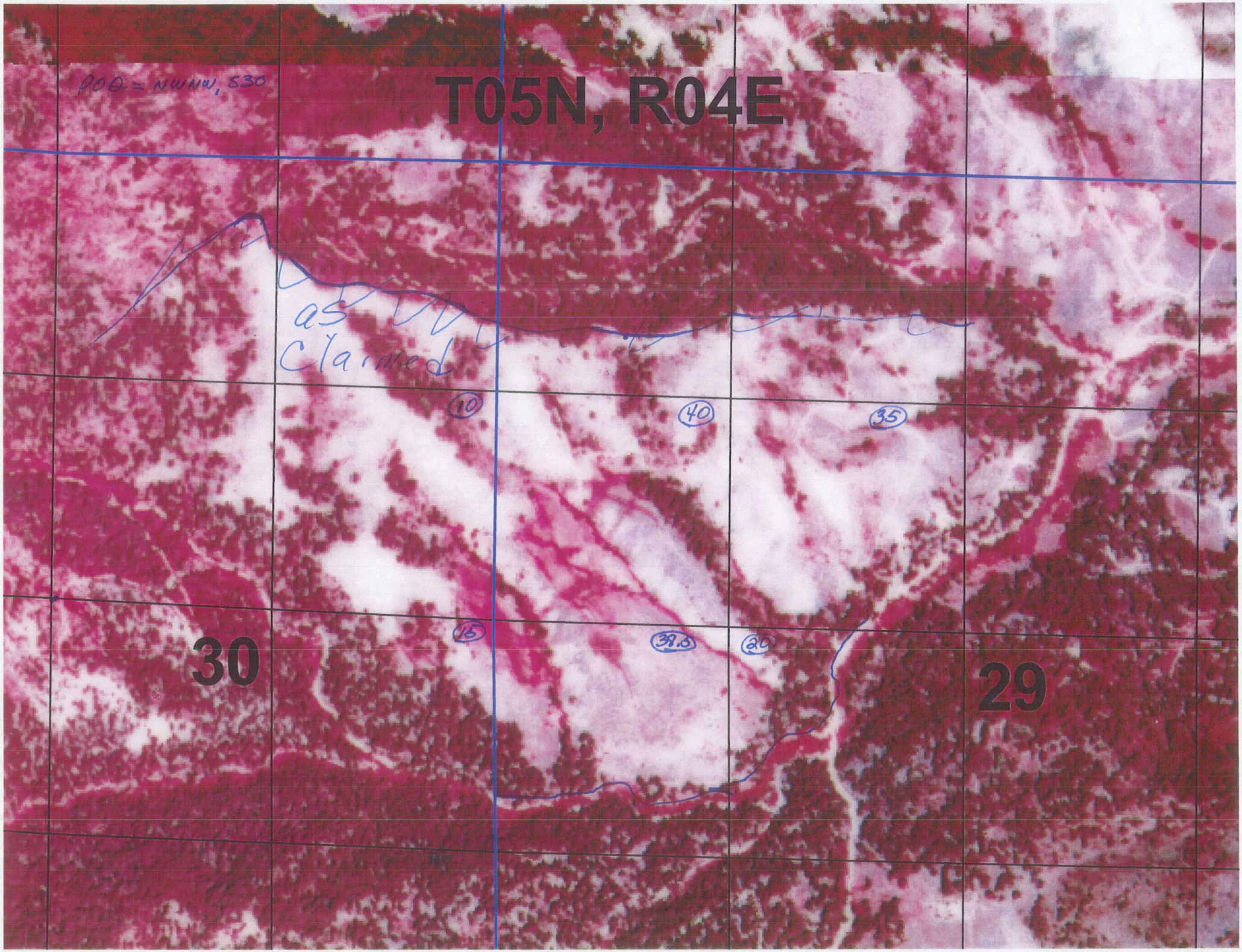

7-11-88
USDA-F 16
614020
288- 80

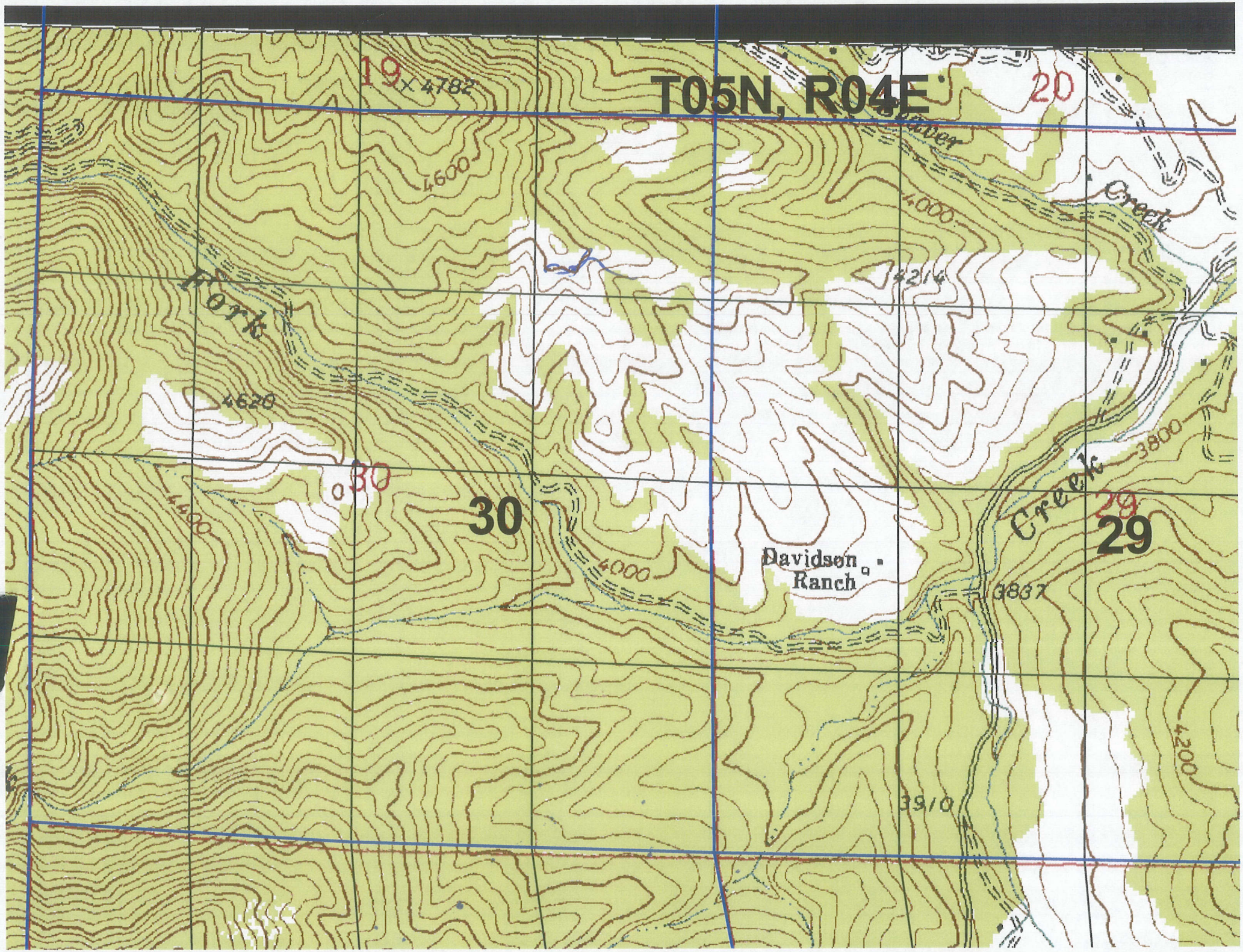

9-16-79
USDA
16 614020 1679-103


BOISE
NATIONAL
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27
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32
33
U.S.
Point of diversion
No. Fk.
ditch
field
Clear Cr.
So. Fork Clear Cr.
Holcomb G.S.
GARDNER
DEPOSITION EXHIBIT
No. TWO
3/27/73
JOHN C. TUCKER
Notary Public
Official Court Reporter

T. 5 N. R. 4 E.




POB = NWNW, S30
T05N, R04E
as
claimed
10
40
35
15
39.3
20
30
29


T05N, R04E
19
20
30
29
Davidson Ranch
4600
4000
4620
4400
3800
4200
3910
3867
4214
4782
Creek
Fork

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 63-31173
Date Received: 5/19/89
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): HIDE ASSOCIATES PARTNERSHIP — Phone: (208)376-8708
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

BOISE HOLCOMB INC — Phone: (208)376-8708
PAUL GIRDNER
737 N 7TH ST
BOISE ID 83702

2. Date of Priority: 07/10/1899

3. Source: CLEAR CREEK NORTH FORK Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
05N	04E	30	NW NW		BOISE	

5. Description of diverting works:

HEADGATE & DITCH, SMALL ROCK DIVERSION DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	11/01	3.47	
STOCKWATER	05/01	11/01	0.02	

7. Total Quantity Appropriated is:
3.47 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
05N	04E	29	SW NW		IRRIGATION	40
			SE NW		IRRIGATION	35
			NE SW		IRRIGATION	20
			NW SW		IRRIGATION	38.5
					Section Acres	133.5
05N	04E	30	NE SE		IRRIGATION	15 - U.S. Land
			SE NE		IRRIGATION	10
					Section Acres	25
					Total Acres	158.5

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:

This claim is the result of a split due to change in ownership for a portion of 63-05106. DB 2/26/2001.

15. Basis of Claim: Statutory Claim

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: A63-05106
Date Received: 5/19/1989
Receipt No: W002937
Received By: DE IYH

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: PAUL GIRDNER BOISE HOLCOMB, INC. 208-376-8708
   Address: 737 N. 7TH ST.
   BOISE, ID 83702
   OR
   Name: JACK STOLFO HIDE ASSOCIATES PARTNERSHIP 208-376-8708
   Address: 737 N. 7TH ST.
   BOISE, ID 83702

2. Date of Priority: JUL 10, 1899

3. Source: CLEAR CREEK, NORTH FORK Trib. to: CLEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	04E	30	NW NW		BOISE

5. Description of diverting works:
   HEADGATE & DITCH, SMALL ROCK DIVERSION DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	3.500		
STOCKWATER	05/01	11/01	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   S/45 RANGE.

MICROFILMED
AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05N	04E	29	SW	NW		IRR	40.0
			SE	NW		IRR	35.0
			NE	SW		IRR	20.0
			NW	SW		IRR	40.0
						Section Acres	135.0
		30	SE	NE		IRR	10.0
			NE	SE		IRR	15.0
						Section Acres	25.0
						Total Acres	160.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE ATTACHED COPY OF CLAIM TO WATER RIGHT FILED WITH DEPARTMENT OF WATER RESOURCES AND DEPOSITION OF BERTHA GARDNER AND CLINT GARDNER, ADA COUNTY CASE NO.47406.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
AUG 20 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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 20 1992

Form 42-248/42-1409(6) 1/9/97

RECEIVED
MAY 30 2000
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUN 13 2000
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____

   Adjudication Claim No(s).: A63-05106

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

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) Michael and/OR Mishael Sweeney

   Name Connector (Check one): [ ] and, [ ] or, [X] and/or

   New Mailing Address 28 N. Fork Clear Creek Road

   City, State and ZIP Code Boise, Idaho 83716

   New Telephone Number (208) 392-6646

5. Date you acquired the property April 24, 1991

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres you irrigate 1.5 +/- Number and type of stock _____

   Diversion rate in CFS _____ Number of homes 1 Other uses Gardening

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) X Michael J Sweeney

   Michael Sweeney

   (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1.** If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3.**

4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.

5. At **Item 5,** please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6.**

   Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately.*

7. The new owner(s) must sign the form in the space(s) provided at **Item 7.** Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

   IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
   IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033
   IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
   IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

Rem M+B

3.5

160 acre = .0218 cfs/acre

63-5106

63-31173

Boise Holcomb INC

3.47 IRR

158.5 Acres

Only Reduce

Sec 29 NWSW 38.5 Acres

63-31174

Sweeney

IRR .03 cfs

1.5 Acres

Sec 29 NWSW

February 19, 2001

The Swatch Group

BU 555

Student ID 387099

LINDA BLOUGH
BOISE COUNTY ASSESSOR
PO BOX BC
IDAHO CITY ID 83631

ASSESSMENT NOTICE

2000

Tax Code 5-00

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
IDAHO CITY ID 83631
PERMIT NO 2

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
15 RUR SUB RES	1.540 AC	16,008
37 BLDG RES SUB		58,757

Taxes are based on the valuation listed on this statement
FOR ANY QUESTIONS PLEASE NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 26, 2000

Total:	1.540	74,765	PARCEL #
Less Homeowners:		29,379	RP 0110300000A0 A

T5N R4E SEC 29 BOISE HOLCOMB
3 LOT A

PROPERTY ADDRESS 28 N FORK CLEAR CRK RD

	PRIOR YEAR	CURRENT YEAR
VALUE:	33,601	45,386
	PRIOR YEAR	ESTIMATED
TAX:	465.78	599.72

Mail To:
SWEENEY MICHAEL &
SWEENEY MICHELLE
28 N FORK CLEAR CREEK RD
BOISE ID 83716

See back for details.

DO NOT PAY ESTIMATE

33

RECEIVED
JUN 13 2000
WATER RESOURCES
WESTERN REGION

EXHIBIT A

#3 lot A

A tract of land situated in the Southwest ¼ of Section 29, Township 5 North, Range 4 East, Boise Meridian, Boise County, Idaho, described as follows:

Commencing at a found brass cap monumenting the North ¼ Corner of said Section 29, thence N. 89°-41'-40" W. a distance of 1334.38 feet to a found steel pin, thence N. 89°-41'-07" W. a distance of 1333.99 feet to a found brass cap monumenting the Northwest Corner of said Section 29, thence S. 13°-19'-45" E. a distance of 3513.80 feet to a set steel pin, said pin being the REAL POINT OF BEGINNING.

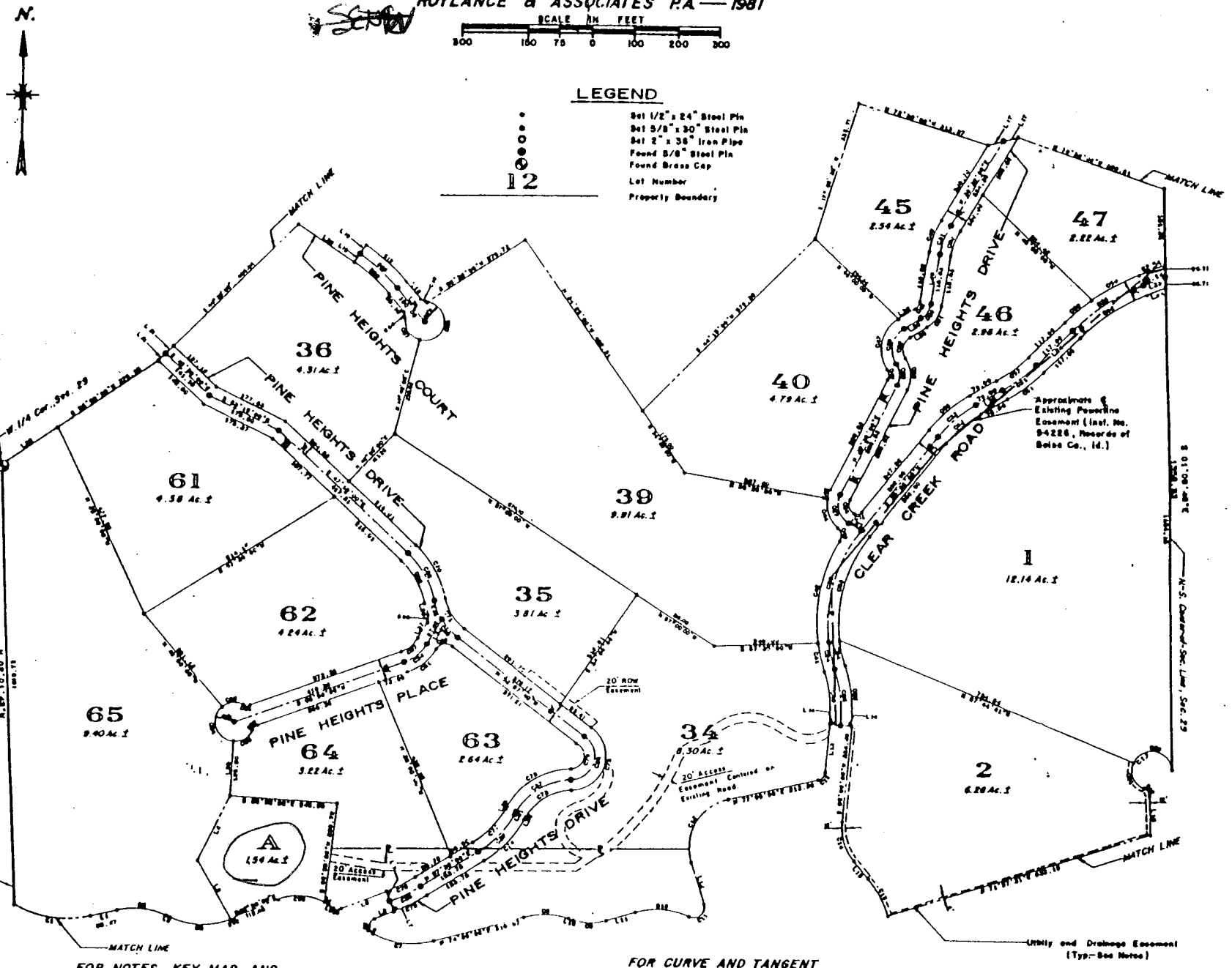
Thence N. 86°-32'-02" W. a distance of 248.98 feet to a set steel pin,
Thence S. 25°-51'-42" W. a distance of 166.61 feet to a set steel pin,
Thence S. 29°-29'-11" E. a distance of 128.78 feet to a set steel pin in the centerline of the North Fork of Clear Creek,
Thence along said centerline the following courses:
S. 82°-38'-23" E. a distance of 79.66 feet to a point,
Thence N. 65°-28'-23" E. a distance of 44.65 feet to a point,
Thence N. 74°-50'-29" E. a distance of 70.86 feet to a point,
Thence S. 78°-36'-29" E. a distance of 44.05 feet to a set steel pin,
Thence leaving said centerline N. 6°-38'-05" E. a distance of 230.35 feet to the REAL POINT OF BEGINNING.

The above described tract of land contains 1.56 acres, more or less, subject to all existing easements and rights of way.

BOISE-HOLCOMB SUBDIVISION NO. 3

SITUATED IN PORTIONS OF SECTIONS 29 & 30, T.6N., R.4E., B.M., BOISE COUNTY, IDAHO

ROYLANCE & ASSOCIATES P.A. — 1981



FOR NOTES, KEY MAP, AND RESTRICTIVE COVENANTS, SEE SHEET 6

FOR CURVE AND TANGENT TABLES, SEE SHEET 8

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

2004 SEP 24 PM 4:27

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 63-31173

NAME AND ADDRESS: HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE, ID 83702

BOISE HOLCOMB INC
737 N 7T ST
BOISE, ID 83702

SOURCE: NORTH FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 2.20 CFS

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

PRIORITY DATE: 07/10/1899

POINT OF DIVERSION: T05N R04E S30 NWNW Within Boise County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	2.18 CFS
Stockwater	05-01 TO 11-01	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 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures of 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

T05N R04E S29	NENW 4.0	SWNW 28.0
	SENW 34.0	NESW 10.0
	NWSW 30.0	
S30	SENE 3.0	

109.0 Acres Total

Stockwater — Within Boise County
Same as Irrigation

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

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

RIGHT NUMBER: 63-31173

NAME AND ADDRESS: HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

BOISE HOLCOMB INC
737 N 7TH ST
BOISE ID 83702

SOURCE: NORTH FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 2.200 CFS

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

PRIORITY DATE: 07/10/1899

POINT OF DIVERSION: T05N R04E S30 NWNW Within BOISE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.180 CFS
STOCKWATER	05/01 11/01	0.020 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S29	NENW	4.0	T05N R04E S29	SWNW	28.0
T05N R04E S29	SENW	34.0	T05N R04E S29	NESW	10.0
T05N R04E S29	NWSW	30.0	T05N R04E S30	SENE	3.0

STOCKWATER same as IRRIGATION

109 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 45 RANGE CATTLE

RECEIVED
OCT 10 2003
Department of Water Resources

2003 OCT -9 PM 1:10
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	**Subcases: 63-31173**
	)	
	)	**ORDER GRANTING WITHDRAW OF OBJECTION FILED BY USDA FOREST SERVICE**
Case No. 39576	)	
	)	

The SRBA District Court received *Notice by United States of Withdrawal of Objection* on September 22, 2003, requesting withdrawal of the United States, USDA, Forest Service objection.

IT IS ORDERED that the Notice is granted. The United States Forest Service is dismissed as a party to subcase 63-31173.

However, subcase 63-31173 has remaining objections filed by United States Department of Justice, Bureau of Reclamation and the Boise Project Board of Control.

DATED October 9, 2003.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of **ORDER GRANTING WITHDRAWAL OF OBJECTION filed by Forest Service** was mailed on October 9, 2003, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept of Justice
Bureau of Reclamation
550 W Fort St., MSC 033
Boise, ID 83724

Barry L Marcus
737 N 7th Street
Boise, Idaho 83702

Albert P Barker
Amy D Chestnut
P O Box 2139
Boise, Idaho 83701-2139

Deputy Clerk

RECEIVED
SEP 2 2 2003
Department of Water Resources

Name of Party:

UNITED STATES OF AMERICA

Attorney Name and Address:

THOMAS L. SANSONETTI
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC033
Boise, ID 83724
(208) 331-5943; facsimile (208) 387-0842
ISB # 6697

Counsel for the United States of America

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	**Subcase: 63-31173**
Case Number: 39576	**NOTICE BY THE UNITED STATES OF WITHDRAWAL OF OBJECTION**

DESCRIPTIVE SUMMARY

This is a notice by the United States of its withdrawal of the objection filed on behalf of the United States Department of Agriculture, Forest Service for subcase number 63-31173.

NOTICE

The United States hereby notices the Court of the withdrawal of the United States' objection to water right claim number 63-31173.

Dated this 19th day of September, 2003.

Respectfully submitted,

UNITED STATES OF AMERICA

David L. Negri
United States Department of Justice

Certificate of Service

I certify that on September 19, 2003, I caused to be served a true and correct copy of the **NOTICE BY THE UNITED STATES OF WITHDRAWAL OF OBJECTION - 63-31173** to the addresses listed below, by U.S. mail, postage prepaid:

Original by facsimile to:

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

Copies to:

Barry Marcus
Marcus, Merrick, Christian & Hardee
737 North 7th Street
Boise, ID 83702-5595
Attorney for Hide Associates Partnership and Boise Holcomb, Inc.

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

United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC 033
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720

David L. Negri

DRAFT

07/28/2003

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31173

NAME AND ADDRESS: HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

BOISE HOLCOMB INC
737 N 7TH ST
BOISE ID 83702

SOURCE: NORTH FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 2.200 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/10/1899

POINT OF DIVERSION:

T05N R04E S30 NWNW Within BOISE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.180 CFS
STOCKWATER	05/01 11/01	0.020 CFS

Diversion for irrigation under this water right prior to Arpil 1 and after October 31 shall occur only as authorized by the Water District 63 Watermaster and only when water is being released 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 or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S29	NENW	4.0	T05N R04E S29	SWNW	28.0
T05N R04E S29	SENW	34.0	T05N R04E S29	NESW	10.0
T05N R04E S29	NWSW	30.0	T05N R04E S30	SENE	3.0

STOCKWATER same as IRRIGATION

109 ACRES TOTAL

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 45 RANGE CATTLE

RECEIVED
SEP 10 2003
Department of Water Resources

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

TO: ALL PARTIES IN INTEREST:

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

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

Dated this 5 day of September, 2003.

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

By Barry Marcus
Barry Marcus
Attorneys for Claimants

CERTIFICATE OF SERVICE

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

Boise Project Board of Control
Represented by:
Albert P. Barker
Amy D. Chestnut
205 N. 10th St., Ste. 520
P.O. Box 2139
Boise, ID 83701-2139

_____ *HAND DELIVER*
__X__ *U.S. MAIL*
_____ *OVERNIGHT MAIL*
_____ *TELECOPY (FAX)*
: _____

United States of America
Represented by:
David Negri
U.S. Department of Justice
Environment & Natural Resource
550 W. Fort Street, MSC 033
Boise, ID 83724

_____ *HAND DELIVER*
__X__ *U.S. MAIL*
_____ *OVERNIGHT MAIL*
_____ *TELECOPY (FAX)*
: _____

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

_____ *HAND DELIVER*
__X__ *U.S. MAIL*
_____ *OVERNIGHT MAIL*
_____ *TELECOPY (FAX)*
: _____

Michael Sweeney
28 N. Fork Clear Creek Rd.
Boise, ID 83716

_____ *HAND DELIVER*
__X__ *U.S. MAIL*
_____ *OVERNIGHT MAIL*
_____ *TELECOPY (FAX)*
: _____

Barry Marcus

RECEIVED

JAN 3 1 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: _63-31173 _

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 USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri

550 West Fort Street
MSC 033
Boise, Idaho 83724

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

Name:	Hide Associates Partnership	Boise Holcomb Inc
Address:	Jack Stolfo 737 N 7th St Boise, ID 83702	737 N 7th St Boise, ID 83702

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

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

E. **REASONS SUPPORTING OBJECTION(S):**

The point of diversion, T5N, R4E, Section 30, NWNW, as shown in the Directors Report recommendation, is on National Forest System (NFS) land. The claimants are not authorized to occupy and use NFS land for this purpose.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steven M. Spencer , 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.

Steven M. Spencer
(Signature of person filing objections)

(Attorney signing in representative capacity)

Subscribed and sworn before me on: January 30, 2003

GAYLA J. GOUGH NOTARY PUBLIC STATE OF IDAHO

Gayla J. Gough

Notary Public for: Idaho

Residing at: Kuna, Idaho

Commission Expires: 11/17/2004

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 11/30/03, I mailed the original and copies of this objection, including all attachements, to the following persons:

1. Original to:

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

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

Name:	Hide Associates Partnership	Boise Holcomb Inc
Address:	Jack Stolfo 737 N 7th St Boise, ID 83702	737 N 7th St Boise, ID 83702

3. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

504

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 63-31173
(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: Hide Associates Partnership Boise Holcomb Inc
Address: 737 N 7th St
Boise, ID 83702

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

1. ☐ **Name and Address**
   Should be:

2. ☐ **Source**
   Should be:

3. ☐ **Quantity**
   Should be:

4. ☐ **Priority Date**
   Should be:

5. ☐ **Point(s) of Diversion**
   Should be:

6. ☐ **Instream Flow Description**
   Should be:

7. ☐ **Purpose(s) of Use**
   Should be:

8. ■ **Period of Year**
   Should be: April 1 to November 1

9. ☐ **Place of Use**
   Should be:

11. **I object because:**

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

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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 29, 2003

Connie L. Wensman

Connie L. Wensman
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10-06-2004

CONNIE L. WENSMAN NOTARY PUBLIC STATE OF IDAHO

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: Hide Associates Partnership Boise Holcomb Inc

Address: 737 N 7th St
Boise, ID 83702

3. Copies to:

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

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

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

Signature of Objector or attorney filing 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 3 1 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 NOTARY PUBLIC STATE OF IDAHO

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

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 Ottowa Ct
Boise ID 83709

63-4629A
Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101
Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328
Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B
Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335
Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115
Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026
Hilda Larson
3015 Silver St
Boise ID 83703

63-31077
State of Idaho
Dept of Parks & Recreation
PO Box 83720
Boise ID 83720-0065

63-318A
Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797
Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074
Barry Marcus
737 N 7th St
Boise ID 83702

63-19A
Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B
Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057
Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174
Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397
Michael E Claus
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-15093
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332
Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408
Scott R Nicholson, Thomas Emil Nicholson,
Christine Nicholson et al
C & T Ranches Inc
PO Box 690
Meridian ID 83680-0690

63-317B
Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97
L G Davison & Sons Inc
1969 Prairie Rd
Prairie ID 83647-9803

63-378
Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124
Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319
Sandra Miner
1512 Apache Dr Unit D
Chula Vista CA 91910-8160

63-4548
James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677
Barry Marcus
737 N 7th St
Boise ID 83702

63-4071
Robert P. Perez
Laurie A. Perez
20 Colleen Lane
Boise, ID 83716

63-4629C
Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A
Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636
Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173
Hide Associates Partnership
Boise Holcomb Inc
737 N 7th St
Boise ID 83702

63-31320
David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125
State of Idaho
Dept of Fish & Game
PO Box 25
Boise ID 83707

63-31317
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380
Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454
Jay D Hollinger
Carol L Hollinger
51 Daggett Creek Rd
Boise ID 83716

63-5167
Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D
Marvenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-3447B
Biff Eshelman
31 Sonshine Lane
Boise ID 83716

63-15101
Steven D Cummings
545 Robie Creek
Boise ID 83716

63-5161C
Sterling Turner
Debbie Turner
328 Robie Creek Rd.
Boise ID 83716

63-5250
Jan Blum
27 Idaho City Stage Rd
Boise ID 83716

63-15684
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15094
Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-2252
Twin Springs Resort LLC
PO Box 3994
Ketchum ID 83340

63-3447C
Alan K Johnson
3929 Overland Rd #840
Boise ID 83715

63-4731
Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-3422A
Mary Lou Pote
William W H Pote
27 Idaho City Stage Rd
Boise ID 83716

63-5251
Mary Lou Pote
William W H Pote Jr
27 Idaho City Stage Rd
Boise ID 83716

63-5108
Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-15206
Val Dean Schroeder
13 Blacksmith Rd
Boise ID 83716

63-3447D
Joan Stephens
James R Stephens
3939 S Transport
Boise ID 83705

63-5161B
Dwaine Wright
Lizabeth Wright
4 Larkspur Lane
Boise, ID 83716

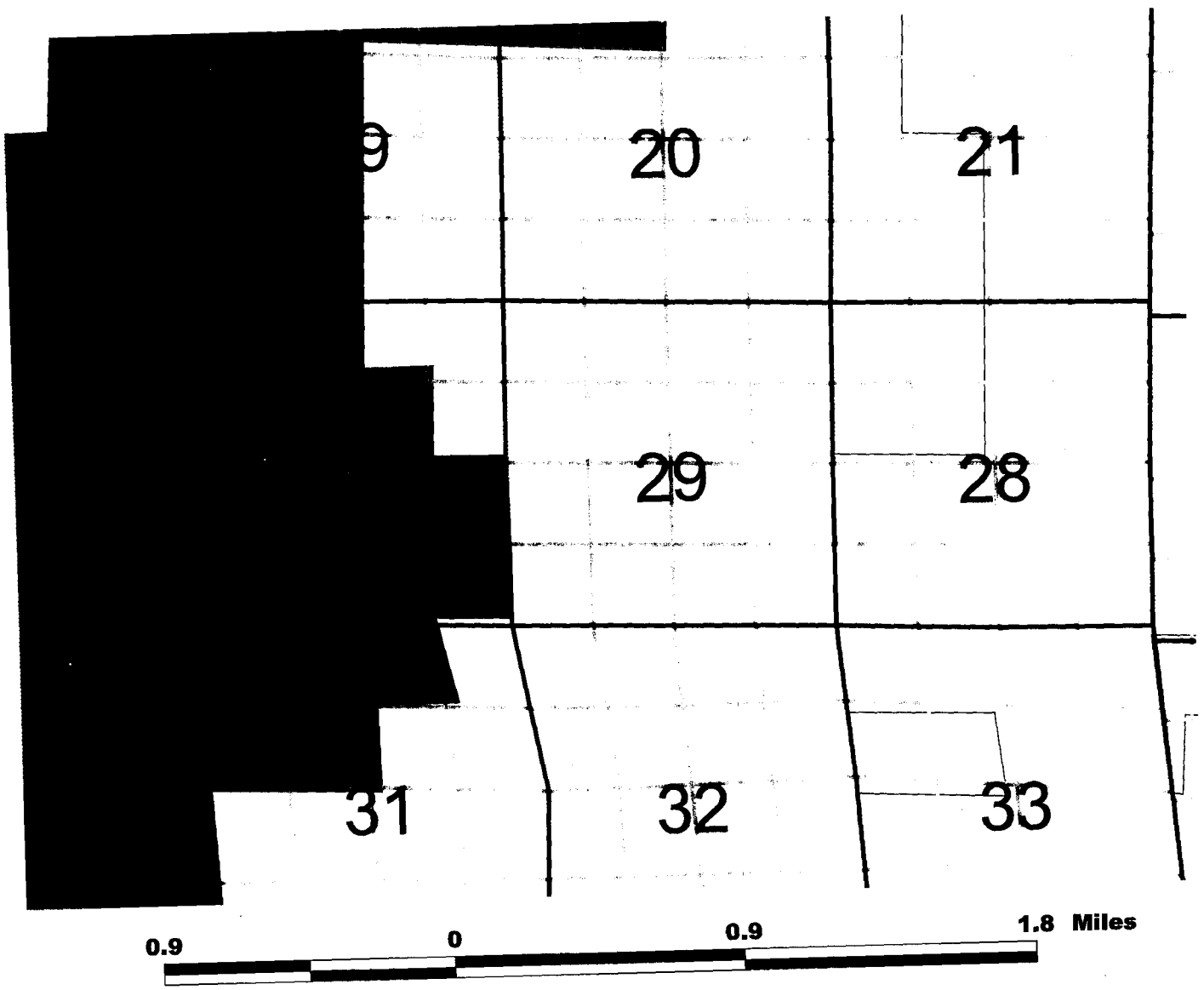
63-3422B
Virginia M Cafferty
Allan E Cafferty
2121 S Eagleson
Boise ID 83705

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

63-5334
Osprey Land Co
737 N 7th Street
Boise, ID 83702

63-15373
Rex E. Lanham
2630 Highway 21
Boise ID 83716

63-31173 & 63-31174



0.9 0 0.9 1.8 Miles

Ds05n04e.shp
T05n04e.shp
Idown.shp
B.L.M.
Bureau of Indian Affairs
Department of Energy
Forest Service
Military Reservations
National Parks & Monuments
Open water
Private
State of Idaho
U.S. Fish & Wildlife Service

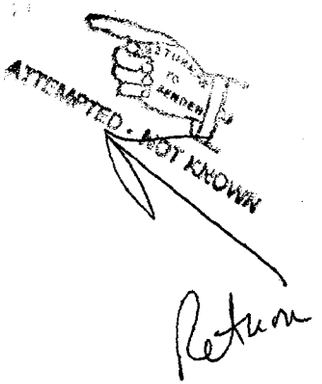
POD - NWSWNW S. 30.
USFS LAND

N
W
E
S

STATE O[illegible]
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

MAR 05 02
ID
PB Meter 7039046
$0.80
U.S. POSTAGE



Return

RECEIVED
MAR 2 2 2002
WATER RESOURCES
WESTERN REGION

BOISE HOLCOMB WATER USERS
ASSOC
PO BOX 2042
BOISE ID 837022042

63-31173

Recommendation
Sacp →
737 N 7th St
Boise 83702

Sent Again 3/22/02

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31173

NAME AND ADDRESS: HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

BOISE HOLCOMB INC
737 N 7TH ST
BOISE ID 83702

SOURCE: NORTH FORK CLEAR CREEK TRIBUTARY: CLEAR CREEK

QUANTITY: 2.20 CFS

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

PRIORITY DATE: 07/10/1899

POINT OF DIVERSION:

T05N R04E S30 NWNW Within BOISE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.180 CFS
STOCKWATER	05/01 11/01	0.020 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S29	NENW	4.0	T05N R04E S29	SWNW	28.0
T05N R04E S29	SENW	34.0	T05N R04E S29	NESW	10.0
T05N R04E S29	NWSW	30.0	T05N R04E S30	SENE	3.0

STOCKWATER same as IRRIGATION

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER, 45 RANGE CATTLE

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

CLAIM NO(s). 63-31173 _____ _____

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

See depositions in File 63-5106. & this file

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

   Source found: _____.

4. ☒ No Change — POINT OF DIVERSION
   ☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____Section _____ l/4_____ l/4_____1/4_____
Township _____ Range _____Section _____ l/4_____ l/4_____1/4_____

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

See map of ditch location attached to this write up.

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

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. ☐ No Change - TOTAL VOLUME

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

☒ Changes found, the new total is, Amount 2.20 CFS _____ AFA total

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

Use: IRR Township 5N Range 4E Section 30 1/4 NE 1/4 SE = U.S. Land.
Use: " Township " Range " Section 29 1/4 NE 1/4 NW - added to POU.
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment
The U.S. Govt land was not included in the recommendation.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA
☒ Shown on GIS Layout
☐ CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 10-25-2001

FIELD EXAMINER: _____
Print Name
Mel Sedulte
Signature

A63-31173 PHOTOS TAKEN 10/26/2001

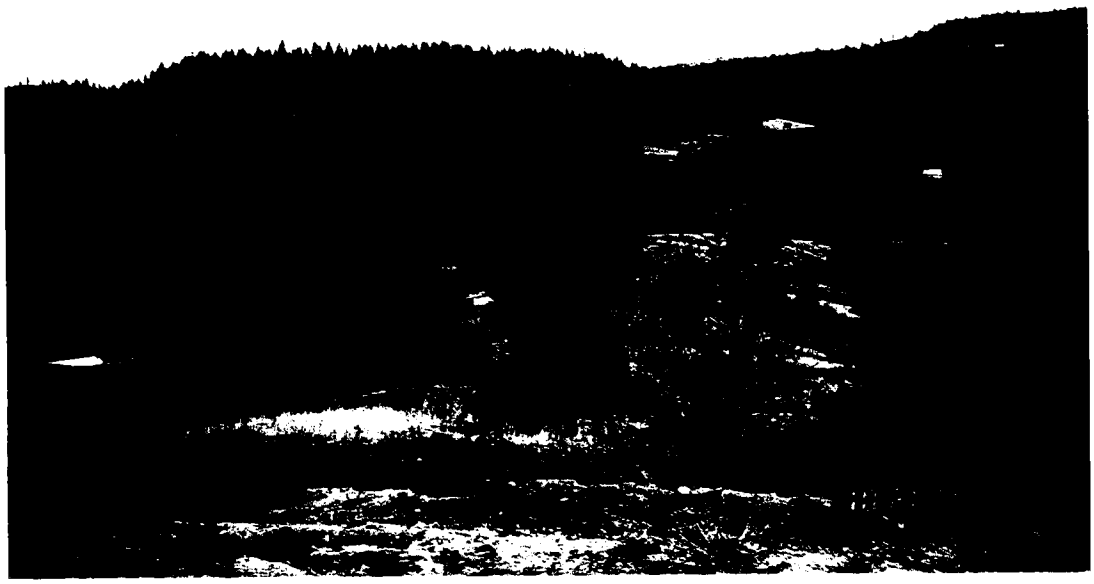


PHOTO #1
POU- PART-LOOKING SOUTH FROM SITE OF MEASUREMENT



PHOTO #2
POU-PART LOOKING SE FROM SITE OF MEASUREMENT

MANNING EQUATION CHANNEL CAPACITY RESULTS 11-02-2001

File Number: A63-31173 & A63-31174
Claimant: SWEENEY & BOISE HOLCOMB INC
Channel measured: DELIVERY DITCH ABOUT 1/2 MILE BELOW THE POD
Date of measurement: 10/25/2001
Measurement location:

Calculation prepared by: MEL SCHULTE
Comments about the measurement:

The results of the calculation are:
The channel cross section is 0.86 ft-sq.
The wetted perimeter is 2.45 feet.
The hydraulic radius is 0.35 feet.
The slope is 0.0156
The roughness coefficient is 0.0250
The flow velocity is 3.706 ft/sec.
The rate of flow is 3.20 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A63-31173 & A63-31174

Name of Claimant(s): Sweeney & Boise Holcomb

Name of Ditch, Canal, or Stream: Ditch above POU about ½ mile below POD

Date of Measurement: 10-25-01 Data Collected By: MS

Measurement Location: ___1/4 ___1/4 Section___ T___ R___

Cross Section Data

Basis: high water mark( ) maximum capacity( )

Note: minimum of five depth or rod readings; first and last must be equal or zero

	Upper depth or rod reading	distance from initial point		depth or rod reading	distance from initial point
1.	0	0	7.	0	0
2.	.3	.5	8.	.3	.5
3.	.6	1.0	9.	.5	1.0
4.	.55	1.5	10.	.6	1.5
5.	.30	2.0	11.	.4	2.0
6.	.2	2.5 3.0	12.		

Slope Data

Basis: high water mark( ) channel bottom( ) land surface( )

Level Readings:	upstream	downstream	
upper stadia	5.56	6.62	
center	5.38	6.44	
lower stadia	5.20	6.30	channel length
stadia difference	(36 +	32) x 100 =	68'

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes( )

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL			
earth	.020	✓	(1)
rock	.025		(2)
fine gravel	.024		(3)
coarse gravel	.028		(4)

CHANNEL OBSTRUCTIONS			
negligible	.000	✓	(1)
minor	.010		(2)
	.015		(3)
appreciable	.020		(4)
	.030		(5)
severe	.040		(6)
	.050		(7)
	.060		(8)

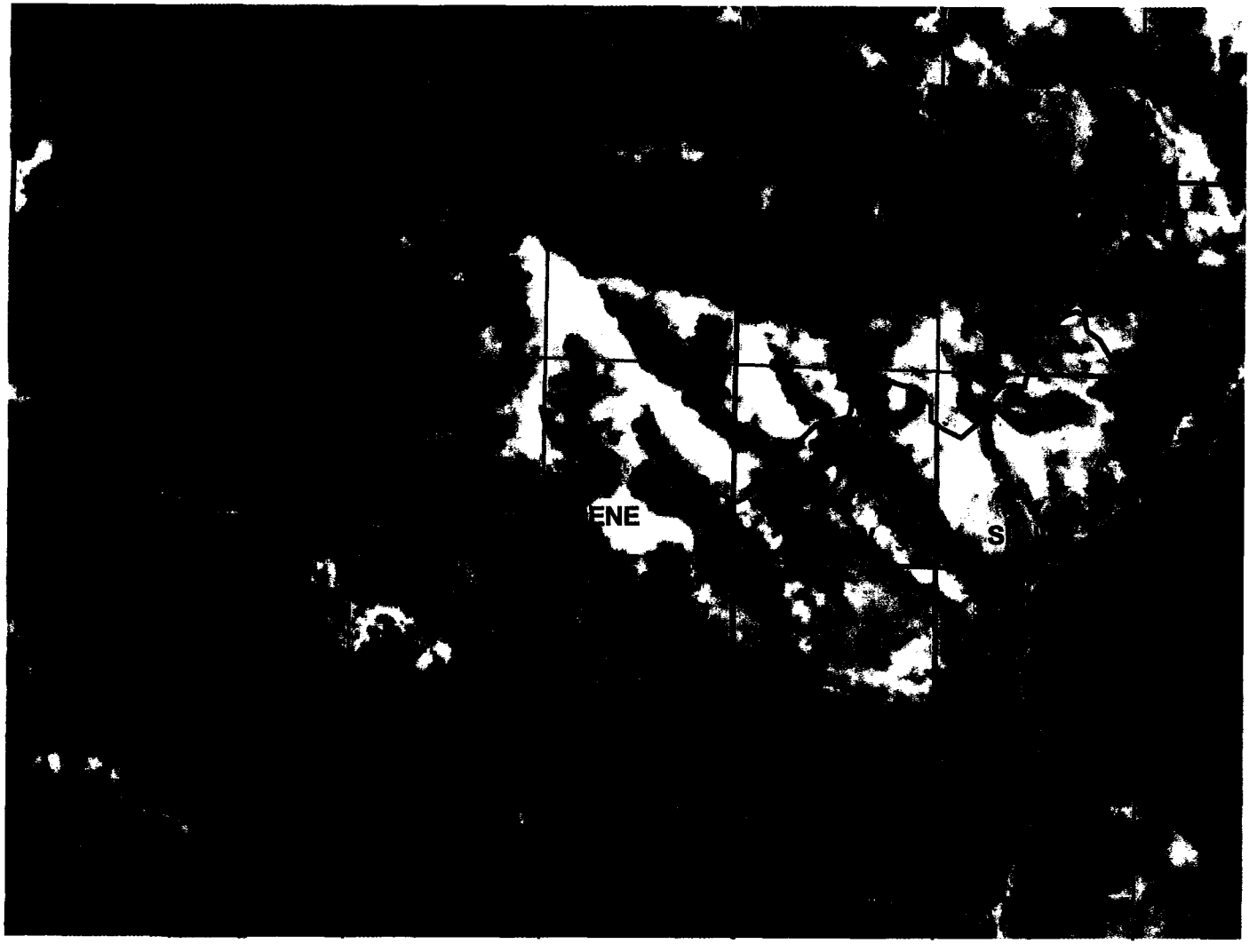
SURFACE IRREGULARITY			
smooth	.000	✓	(1)
minor	.005		(2)
moderate	.010		(3)
severe	.020		(4)

VEGETATION			
low	.005	✓	(1)
	.010		(2)
medium	.015		(3)
	.020		(4)
	.025		(5)
high	.030		(6)
	.040		(7)
	.050		(8)
very high	.060		(9)
	.075		(10)
	.100		(11)

VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	✓	(1)
occasional	.005		(2)
frequent	.010		(3)
	.015		(4)

DEGREE OF MEANDERING			
minor	1.00	✓	(1)
appreciable	1.15		(2)
severe	1.30		(3)

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

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CLAIM(S): 63-31173

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HIDE ASSOCIATES

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by: Mel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



0 0.25 0.5 0.75 1 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

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CLAIM(S): 63-31173

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DATE: NOVEMBER 2, 2001

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IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
T05N, R04E, S29 & 30



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

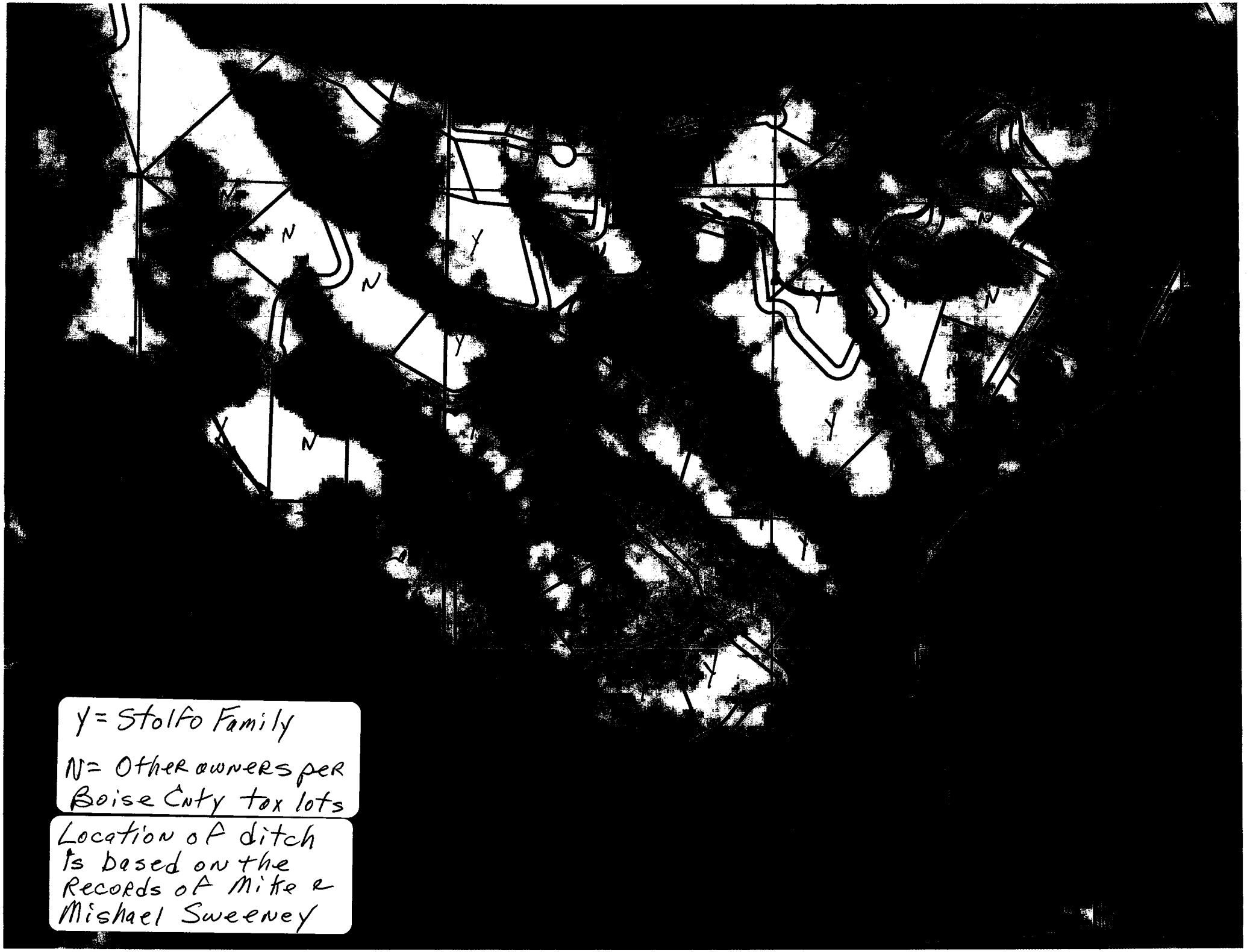
CLAIM(S): 63-31173

OWNER(S): BOISE HOLCOMB INC/
HIDE ASSOCIATES

DATE: NOVEMBER 2, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles


N
N
Y
N
Y
N
Y
Y
N
Y
Y
Y
Y
Y = Stolfo Family
N = Other owners per Boise Cnty tax lots
Location of ditch is based on the Records of Mike & Mishael Sweeney

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31173

WATER RIGHT NUMBER: 63-31173

Owner Type	Name and Address
Current Owner	HIDE ASSOCIATES PARTNERSHIP JACK STOLFO 737 N 7TH ST BOISE, ID 83702 (208)376-8708
Current Owner	BOISE HOLCOMB INC 737 N 7TH ST BOISE, ID 83702 (208)376-8708

Priority Date: 07/10/1899

Basis: Statutory Claim

Status: Active

Source	Tributary
NORTH FORK CLEAR CREEK	CLEAR CREEK

Beneficial Use	~~From~~ ~~To~~ 3/15 11/15	Diversion Rate	Annual Volume
IRRIGATION	~~05/01 to 11/01~~	3.470 CFS	
STOCKWATER	05/01 to 11/01	0.020 CFS	
	Total Diversion:	3.470 CFS	

Location of Point(s) of Diversion

NORTH FORK CLEAR CREEK NW1/4NW1/4 Sec. 30, Twp 05N, Rge 04E, B.M.
BOISE County

Place of Use

IRRIGATION Within BOISE County

T05N R04E S29	SWNW	~~40.0~~ 28	T05N R04E S29	SENW	~~35.0~~ 34
T05N R04E S29	NESW	~~20.0~~ 10	T05N R04E S29	NWSW	~~38.5~~ 30
T05N R04E S30	SENE	~~10.0~~ 3	~~T05N R04E S30~~	~~NESE~~	~~15.0~~

Total Acres: ~~158.5~~ 109

NENW - 4

- U.S. land

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

1. This claim is the result of a split due to change in ownership for a portion of 63-05106. DB 2/26/2001.

Comments:

Dates and Other Information:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MEMORANDUM

DATE: June 5, 2001

TO: File 63-31173

FROM: Chris Duncan, Water Resource Agent C.D.

SUBJECT: Telephone conversation with Michael Sweeney concerning water use complaint on 63-31173.

On June 5, 2001, I spoke with Michael Sweeney 63-31174 who wanted to file a complaint concerning illegal water use by Jack Stolfo 63-31173. Mr. Sweeney claims that Mr. Stolfo is not diverting water for irrigation and stock as indicated by his water right claim, but rather the diverted water is being impounded in storage ponds for an unknown use.

I described to Mr. Sweeney the statutory claim status of the water rights 63-31174 and 63-31173 under the SRBA and how these claims were part of a water right split of 63-05106 (statutory claim status). To resolve the complaint, I told Mr. Sweeney that a water agent would review water right claim 63-31173 under the SRBA and a possible field inspection may occur within the next 12-24 months.

Mr. Sweeney requested that he be contacted when a field inspection took place for 63-31173, since the two water right claims share the same diversion point.

See affidavit dated 10-12-2001 that rebuts this memo.

Form No. 243

Claim No. 63-5106

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243 Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that BOISE HOLCOMB, INC. (Name of Claimant)

737 North 7th St., Boise, Idaho 83702 (Mailing Address) (Zip Code) Telephone No 342-3563

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

(1) Date of priority: (When was the water first applied to a beneficial use) July 10, 1899

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

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
North Fork of Clear Creek tributary to Clear Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock Etc.)		(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	3.5 cfs ave	Use Irrigation	Period of Use From	May 1	To	Nov. 1
Quantity	0.02 cfs	Use Stock water	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	

(4) 3.5 cfs average (cfs, af) TOTAL QUANTITY USED. * See remarks

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 30 Twp. 5N. Rge. 4E. B.M., County of Boise
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate and ditch - 7cfs capacity

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

T	R	SEC	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4E	29							40	35	20	40							135
5N	4E	30				10									15				25

No. of acres 160

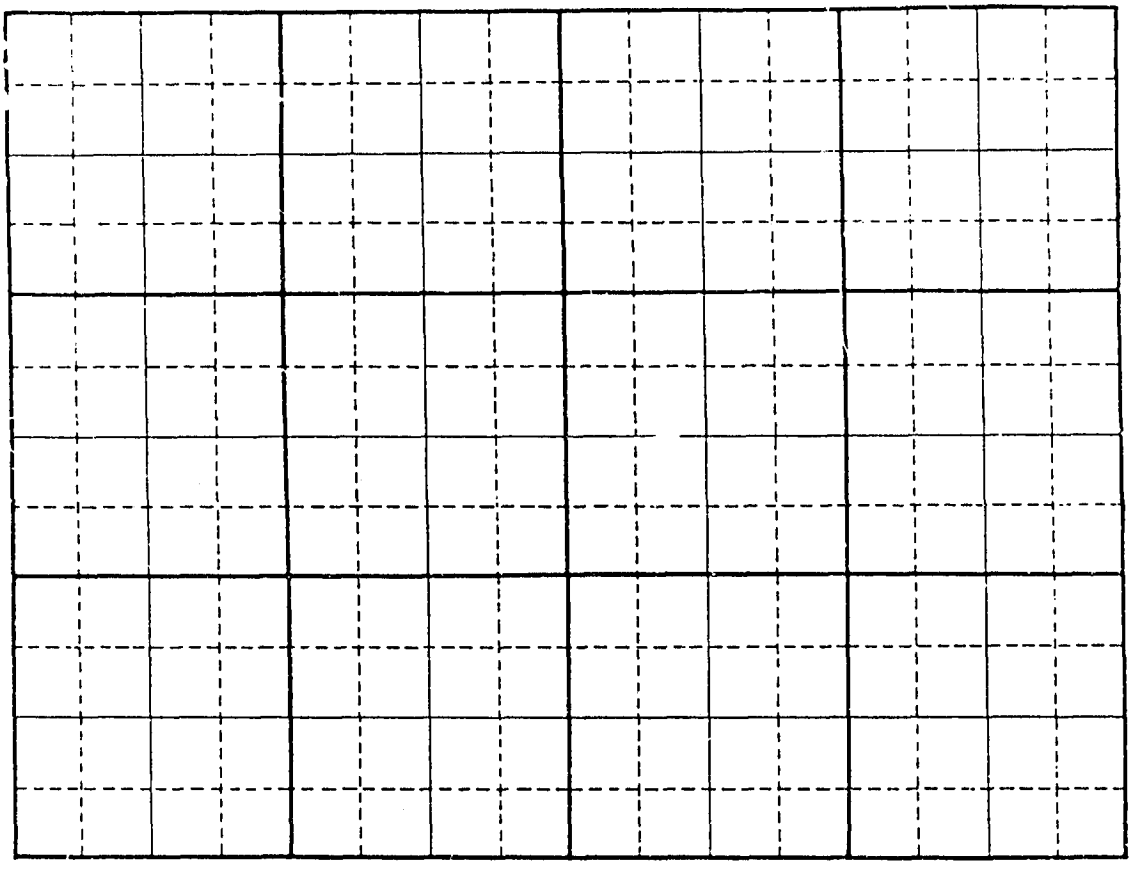
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE Include here the type and number of stock watered: 45 head cattle

(7) If you are claiming water as a member of an organization, list name of organization:
Claim filed on behalf of Boise Holcomb, Inc., an Idaho corporation

* DURING HIGH WATER AS MUCH AS 7.0 CFS IS USED.

8 Remarks This water right was commenced pursuant to the Act of 1881 (attached. See certified copy of the depositions of Clint Gardner and Bertha Gardner (attached) and The Notice of Water Right filed by John Davidson (attached). For the Point of Diversion see the attached map.



Scale: 2 inches equal 1 mile. See attached map.

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

State of Idaho)
) ss.
County of Ada)

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

BOISE HOLCOMB, INC.
By: A P Atkins
Its President

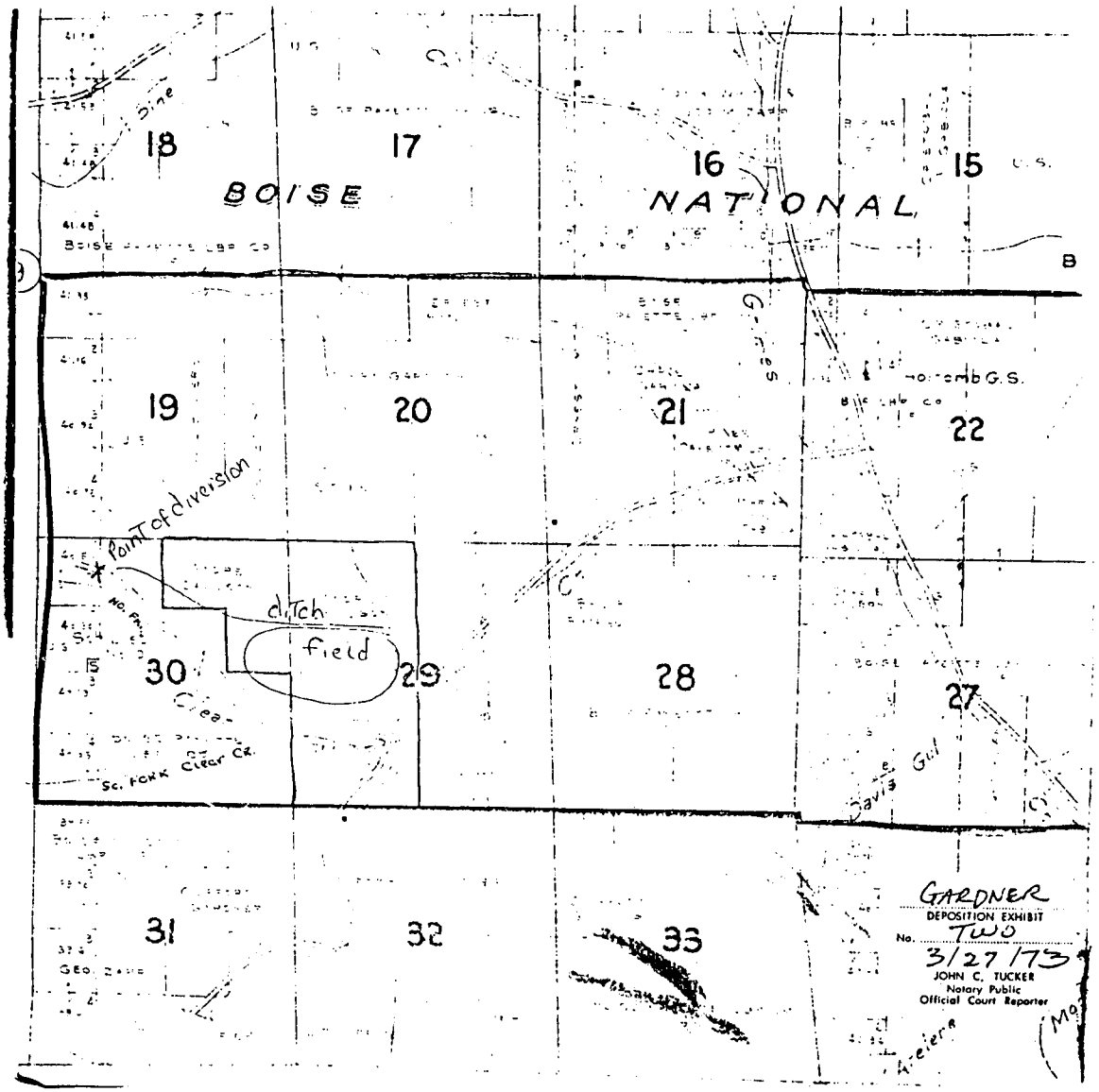
Sworn to before me this 31st day of May, 1983.

Alice L. Hoover
Notary Public for State of Idaho
Residing at Boise, Idaho

My commission expires 10/14/85

FOR DEPARTMENT USE ONLY

Received by		Date 6/3/83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	GFS	Date 6/20/83			
$30.00 fee received by	JF	Date 6/16/83			
Published in	The Idaho				
Dates	7/28 & 8/4/83				


18
17
16
15
BOISE
NATIONAL
19
20
21
22
Point of diversion
ditch
field
30
29
28
27
Sc. Fork Clear Cr.
Davis Gul
31
32
33
GARDNER
DEPOSITION EXHIBIT
No. TWO
3/27/73
JOHN C. TUCKER
Notary Public
Official Court Reporter

T 5 N. R 4 E.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

Re: Claim No(s). 63-31173,
63-31174

HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the **"Priority Date"** as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled **"Evidence of Priority"** which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001,** referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

February 27, 2001

BOISE HOLCOMB INC
PAUL GIRDNER
737 N 7TH ST
BOISE ID 83702

Re: Original Notice of Claim to a Water Right No. 63-05106

Renumbered to Notice of Claim to a Water Right No. 63-31173

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the original claim for your reference.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Denise Buffington

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

February 27, 2001

HIDE ASSOCIATES PARTNERSHIP
JACK STOLFO
737 N 7TH ST
BOISE ID 83702

Re: Original Notice of Claim to a Water Right No. 63-05106

Renumbered to Notice of Claim to a Water Right No. 63-31173

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

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If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Denise Buffington

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

RECEIVED
OCT 15 2001
WATER RESOURCES
WESTERN REGION

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

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 Water Rights to the Use of Water from the Snake River Water System.	**Case No.** **Identification Nos.: 63-31173, 63-31174 and A63-05106** **AFFIDAVIT OF REX E. LANHAM, JR.**

STATE OF IDAHO)
: ss.
COUNTY OF ADA)

Rex E. Lanham, Jr., being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have personal knowledge of the facts stated herein.

2. The Lanham family owns approximately 2,500 acres in Boise County where we run 150 pairs of cattle. Our ranch extends from Mores Creek on the east to Clear Creek on the west. We acquired the property in 1963

3. We have historically grazed the Davidson Ranch since it was acquired by Boise Holcomb, Inc., in 1972 by agreement with the corporation. The Davidson Ranch and pasture are shown on Exhibit A. This is true for every year up to and including 1997, except for those years when the water in the North Fork of Clear Creek was too low to irrigate the pasture.

4. The Davidson Ranch pasture is irrigated by a ditch that diverts water from the North Fork of clear Creek. The pasture has been irrigated consistently since I became familiar with the property in 1964 except for years in which the water was too low to get all the way to the pasture. There has never been a five year period during which the pasture was not irrigated.

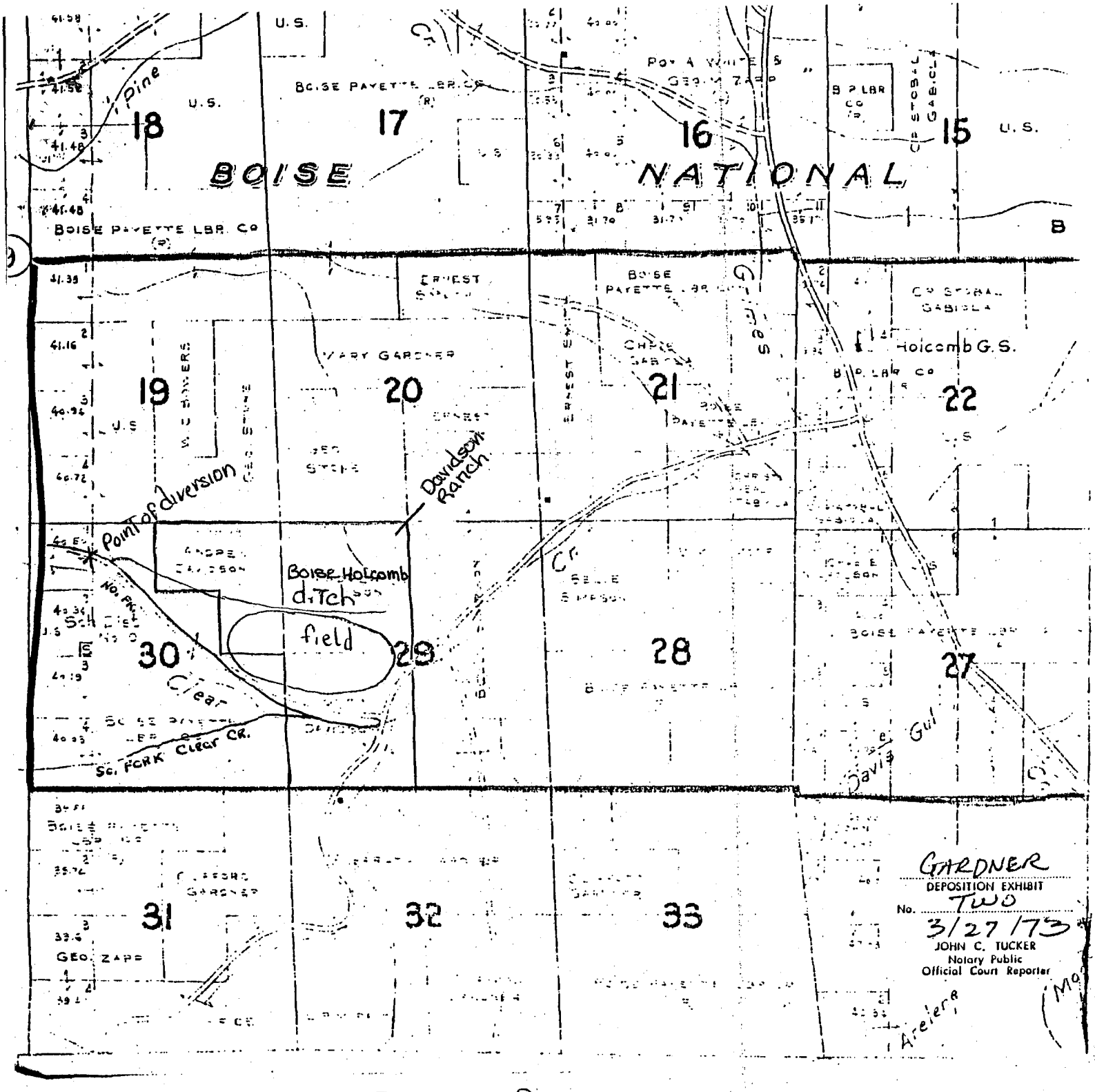
Dated this 15 day of October, 2001.

Rex E. Lanham, Jr.

SUBSCRIBED AND SWORN TO before me this 15 day of October, 2001.

Barry Marcus
Notary Public for State of Idaho
Residing at Boise, Idaho
My Commission Expires: 2003

(SEAL)



T. 5 N. R. 4 E.

Boise Holcomb, Inc. - Water Claim

RECEIVED
OCT 15 2001
WATER RESOURCES
WESTERN REGION

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

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.	**Case No. :39576** **Identification No. 63-31173, 63-31174 and A 63-05106** **AFFIDAVIT OF JACK STOLFO**

STATE OF IDAHO)
: ss.
County of Ada)

Jack Stolfo, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have knowledge of the facts stated herein. I am the President of Boise Holcomb, Inc. I have been involved in the ownership of Boise Holcomb, Inc. since 1972.

2. I own real property in Boise County, Idaho located in Boise Holcomb Subdivision No. 3, the legal description of which appears on Exhibit A, attached hereto. This property consists of the following lots located in Boise Holcomb Subdivision No. 3: Lots 34, 34B, 35, 36, 37, 38, 39, 59, 60, 61, 62, 63, 64, 64B, 65, 66 and 69. These lots, together with Lot A, ("the Lots") comprise the irrigated area of the original Davidson Ranch property purchased by Boise Holcomb, Inc. in 1971. Lot A is owned by Michael and Mishael Sweeney. A portion of the water is used to irrigate Lot A.

3. In 1982 Paul Girdner and I purchased the Lots from Boise Holcomb, Inc. The Agreement reciting the purchase of the real property is attached hereto as Exhibit B. This purchase included the water right and ditch right that was appurtenant to the Davidson Ranch. It is the water right which is evidenced by the Claim to A Water Right No. 63-5106 filed in 1983 by Boise Holcomb, Inc. ("the Water Right"). As reflected in the claim and the documents accompanying the claim, including the Notice of Water Right filed by John Davidson and the depositions of Clint Gardner and Bertha Gardner, the Davidsons were diverting water from the North Fork of Clear Creek and irrigating the Davidson Ranch in 1899. The Ranch was irrigated in the same manner up to the taking of the Gardner depositions in 1973. After 1973 Boise Holcomb, Inc. and I have diverted the water from the North Fork of Clear Creek and irrigated the Davidson Ranch property, using the same diversion and ditch as described in the Gardner depositions. This has been the case for all normal water years to 2001 when I began constructing the roads for the Lots. Since 1973 there has been no five year period during which the water was not diverted from the North Fork of Clear Creek and used to irrigate the Davidson Ranch.

During most of these years the Ranch was grazed by Rex Lanham under agreement with Boise Holcomb, Inc. We continued this arrangement after my acquisition of the Lots in 1982. Since 1973 the water diverted from the North Fork of Clear Creek (#63-5106) has been used on the Lots to irrigate wild grass pasture and fruit trees and to provide stock water and fire protection for the area and on Lot A to irrigate the area around the Sweeney house.

4. In 1993 I acquired all of the interest in the Lots and the water right (#63-5106). A copy of the documents reflecting this conveyance are attached hereto as Exhibit C. A portion of this water right is appurtenant to Lot A.

5. Aerial photographs taken in 1979 and 1988 depict the North Fork of Clear Creek and the ditch used to carry water to the Lots are attached hereto.

Dated this 12 day of October, 2001.

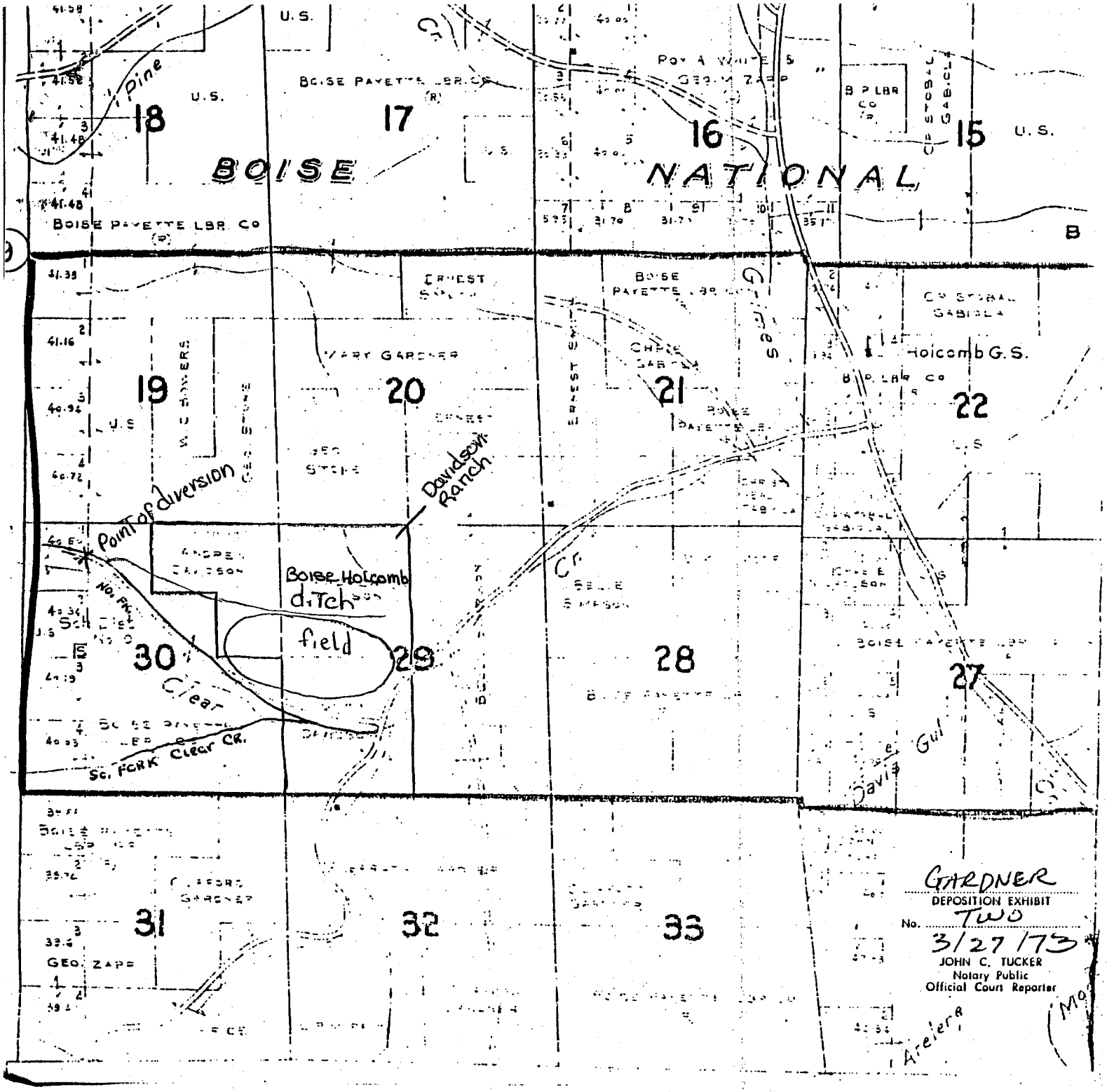
Jack Stolfo

SUBSCRIBED AND SWORN TO before me this 12 day of October, 2001.

Barry Marcus

Notary Public for State of Idaho
Residing at Boise, Idaho
My Commission Expires: 2003

(SEAL)



T. 5 N. R. 4 E.

Boise Holcomb, Inc. - Water Claim

RECEIVED

MAY 11 1983

BOISE COUNTY
Auditor / Recorder

WARRANTY DEED

For Value Received BOISE HOLCOMB, INC., an Idaho corporation,

the grantor , does hereby grant, bargain, sell and convey unto

JACK STOLFO and PAUL GIRDNER, whose current address is P. O. Box 7946, Boise, Idaho 83707,

the grantees, the following described ~~premises, to-wit:~~ real property in Boise County, Idaho, to-wit:

Lot 35, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 36, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 37, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 38, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 39, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 59, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 60, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 61, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 62, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 63, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 64, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 65, Boise Holcomb Subdivision No. 3, Boise County, Idaho
Lot 66, Boise Holcomb Subdivision No. 3, Boise County, Idaho

according to the Plat of Boise Holcomb Subdivision No. 3 on file in the records of Boise County, Idaho recorded as Instrument No. 103512.

RECEIVED

MAY 11 1983

BOISE COUNTY
Auditor / Recorder

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that ~~he~~ it is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that ~~he~~ it will warrant and defend the same from all lawful claims whatsoever.

Dated: May 10, 1983.

BOISE-HOLCOMB, INC.

~~Attest:~~

Barry Marcus
Secretary

By: H R Watkins
President

STATE OF IDAHO, COUNTY OF Ada

On this 10 day of May, 1983, before me, a notary public in and for said State, personally appeared H.R.WATKINS and BARRY MARCUS, known to me to be the President and Secretary, respectively, of the corporation that executed the above instrument and acknowledged to me ~~known to me to be the person who executed the within instrument, and acknowledged to me~~ that said corporation executed same.

Alice L. Hoover
Notary Public

Residing at Boise, Idaho
Comm. Expires 10-14-84

STATE OF IDAHO, COUNTY OF Boise

I hereby certify that this instrument was filed for record at the request of Barry Marcus

at 31 minutes past 11 o'clock A. m., this 11 day of May, 1983, in my office, and duly recorded in Book 84 of Deeds at page 414

Arlene L. Tolen
Ex-Officio Recorder

By Mary Lou
Deputy.

Fees $3.00
Mail to:

INSTRUMENT No. 109010

Warranty Deed 203-A

EXHIBIT A-1

Printed and For Sale By Syms-York Company, Boise

INSTRUMENT No.

QUITCLAIM DEED

For Value Received , Frances Wassler, a single woman,

does hereby convey, release, remise and forever quit claim

unto L. Jack Stolfo, P.O. Box 41770, Phoenix, Arizona 85080; and Paul Girdner, 3895 Girdner Lane, Meridian, Idaho 83642 the following described premises, to-wit:

That certain parcel of real property constituting a portion of Lot 34, Boise Holcomb Subdivision No. 3, Boise County, Idaho, more particularly described on Exhibit A attached hereto and by reference made a part hereof.

together with their appurtenances.

Dated: Nov 1, , 1983

Frances J. Wassler

~~111450~~

STATE OF IDAHO, COUNTY OF

On this 1ST day of NOV. , 1983 , before me, a notary public in and for said State, personally appeared Frances Wassler

known to me to be the person who se name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public

Residing at , Idaho

Comm. Expires

STATE OF IDAHO, COUNTY OF Boise

I hereby certify that this instrument was filed for record at the request of Marlene Edwards

at 12 minutes past 2 o'clock P. m., this 22 day of Nov 19 83 , in my office, and duly recorded in Book 87 of Deeds at page 257

Ex-Officio Recorder

By Deputy.

Fees $3.00

Mail to:

209-A Quitclaim Deed (IBA)

Printed and for sale by Syms-York Company, Boise

EXHIBIT A-2

AGREEMENT

Parties: BOISE-HOLCOMB, INC., First Party;

and

JACK STOLFO and PAUL GIRDNER,
Second Party.

Date: August 10, 1982.

In consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1. Second Party agrees to purchase from First Party Lots 35, 36, 37, 38, 39, 59, 60, 61, 62, 63, 64, 65 and 66 of Boise-Holcomb Subdivision No. 3, the Plat of which is recorded as Instrument No. 103512, records of Boise County, Idaho.

EXHIBIT B

63, 64 and 66, First Party shall convey to Second Party title to that portion of Pine Heights Drive which borders the South boundary of Lot 58 and the Northeast boundary of Lot 59 from its intersection with Alpine Place, separating Lots 57 and 58 to its intersection with Alpine Place (separating Lots 59 and 60). Upon payment of Lots 38 and 39, First Party shall convey to Second Party title to Pine Heights Court from its intersection with Pine Heights Drive to its terminus between Lots 38 and 39. The total roadway to be conveyed to Second Party is outlined in red on Exhibit "A", consisting of Sheets 2, 3 and 4 of the Boise-Holcomb Subdivision No. 3 Plat. First Party is relieved of the obligation of installing these roads. Second Party assumes the obligation of installing same.

7. Second Party may replat the lots purchased hereunder, including relocation of the roadways therein. The size, configuration and density of the replatted lots will need only to be approved by the Boise County Commissioners. Second Party may connect its roadways within the lots purchased hereunder to any of the roadways installed by First Party in Boise-Holcomb Subdivision No. 3. However, the roadways installed by Second Party with respect to the lots purchased hereunder shall not be a part of Boise-Holcomb No. 3 Association and their installation, maintenance and repair shall be the responsibility of Second Party. First Party shall join in the execution of any documents required for said replatting

8. As a part of this transaction, First Party shall convey to Second Party all of its water right with respect to the Davidson Ranch. This includes the water used by First Party from the North Fork of Clear Creek and also includes the title of First Party to the irrigation ditch which conveys the water from the North Fork of Clear Creek to the Davidson Ranch. The transfer of this water right shall occur when Second Party has paid one-half of the purchase price. Pending that transfer, Second

Party shall be entitled to maintain and improve the ditch and fully utilize the water right and is empowered to take any steps necessary to protect or perfect that water right or ditch right. Upon the payment of one-half of the total purchase price, First Party shall convey to Second Party the ditch easement which it has reserved by the Amended Restrictive Covenants. That ditch easement shall appear as a reservation on the deed to any lot conveyed by First Party to parties other than Second Party, specifically, Lots 57, 58, 67, 68 and 69. The roadway separating Lots 57 and 37 shall be constructed so as not to interfere with the irrigation ditch.

9. The deeds conveying the water and ditch right and the roadways shall be deposited with Marcus, Merrick & Montgomery Law Firm for delivery in accordance with the provisions of this Agreement.

10. First Party shall amend the Restrictive and Protective Covenants of Boise-Holcomb No. 3. A copy of the Amended Covenants is attached hereto as Exhibit "B", and by reference made a part hereof. First Party shall duly record said Amended Covenants and shall insure that each buyer of a lot in Boise-Holcomb No. 3 accepts said amended Covenants and agrees to be bound by them. First Party agrees not to amend those covenants specifically referring to the lots sold hereunder, without Second Party's consent.

11. As a part of this transaction, upon receipt of the down payment, First Party shall convey to Second Party 26 units of power. The amount of the purchase price allocated to these units of power is $400.00 per unit. The certificates evidencing these units of power shall be conveyed to Second Party upon execution of this Agreement and receipt of Second Party's downpayment.

12. First Party shall pay any real estate commission incurred in connection with this transaction.

13. This Agreement shall bind and benefit the parties, their transferees, assigns and heirs.

BOISE-HOLCOMB, INC.

Attest:

By _____
H. R. Watkins, President

Barry Marcus
Barry Marcus, Secretary

FIRST PARTY

_____
Jack Stolfo

_____
Paul Girdner

SECOND PARTY

STATE OF IDAHO)
) ss
County of Ada)

On this 10th day of August, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared H. R. WATKINS and BARRY MARCUS, known to me to be the President and Secretary, respectively, of the corporation that executed the foregoing Agreement, and acknowledged to me that such corporation 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.

Alice L. Hoover
Notary Public for Idaho
Residing at Boise, Idaho

(SEAL)

STATE OF IDAHO)
) ss
County of Ada)

On this 10th day of August, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK STOLFO and PAUL GIRDNER, known to me to be the persons whose names are subscribed to the foregoing Agreement and who acknowledged to me that they executed the same.

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

Barry L. Marcus
Notary Public for Idaho
Residing at Boise, Idaho

(SEAL)

ASSIGNMENT AND ASSUMPTION AGREEMENT

For Ten Dollars ($10.00) and other valuable consideration received the undersigned, Paul Girdner and Kay Girdner, husband and wife, John Rueb and Arlene Rueb, husband and wife, Rorie Stolfo and any other person who executes this Agreement as an "Assignor", hereby transfer, convey and assign to Jack Stolfo all of their right, title and interest in and to the following lots located in Boise Holcomb Subdivision No. 3, Boise County, Idaho:

Lots 35, 36, 37, 38, 39, 59, 60, 61, 62, 63, 64, 65, 66 and 69,

together with all water rights, ditch rights and road rights appurtenant thereto; and together with all of their right, title and interest in and to the following described Agreements:

(a) Agreement dated August 10, 1982 between Boise Holcomb, Inc., First Party, and Jack Stolfo and Paul Girdner, Second Party, providing for the purchase of the above described lots (excluding Lot 69) for a total purchase price of $160,500.00; and

(b) Agreement dated November 18, 1982 between Frances Wassler and Jack Stolfo and Paul Girdner providing for the exchange of a portion of Lots 34 and 64, Boise Holcomb Subdivision No. 3, an easement across Lot 34 and well site on Lot 34.

The undersigned, Jack Stolfo, hereby agrees to assume the aforementioned Agreements and shall hold Assignors harmless for the full performance thereof. Assignors also hereby assign to Stolfo, and Stolfo agrees to assume payment and complete satisfaction of the following Promissory Notes and Deeds of Trust which secure payment thereof, and shall hold Assignors harmless for the full payment and performance thereof:

EXHIBIT C

(a) Promissory Note dated September 1, 1982 in the principal amount of $144,125.00 payable to Boise Holcomb Inc. and secured by those Deeds of Trust recorded in Boise County, Idaho as Nos. 109011 through 109023; and

(b) Promissory Note dated May 10, 1983 in the principal amount of $8,000.00, payable to Boise Holcomb, Inc. and secured by Deed of Trust recorded in Boise County, Idaho as Instrument No. 111014.

This Agreement shall bind and benefit the parties, their heirs, transferees and assigns. The parties shall execute and deliver all deeds and other documents necessary to effectuate the terms of this Agreement. In the event suit is brought to enforce the terms hereof, the prevailing party shall be entitled to recover reasonable attorney fees.

Dated: ~~June~~ July 8, 1993.

ASSIGNEE:

Jack L. Stolfo

ASSIGNORS:

Rorie Stolfo

Paul Girdner

Kay Girdner

John Rueb

Arlene Rueb

STATE OF IDAHO)
) ss.
County of Ada)

On this 8 day of ~~June~~ July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK L. STOLFO, known or identified to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same.

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

(SEAL)

Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 3/26/1997

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of ~~June~~ July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared RORIE STOLFO, known or identified to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that she executed the same.

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

Kelli Lyn Engum

(SEAL)

Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 10/14/98

STATE OF IDAHO)
) ss.
County of Ada)

On this 8 day of ~~June~~ July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared PAUL GIRDNER and KAY GIRDNER, huisband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same.

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

Rorie A. Engum

(SEAL)

Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 3/26/1997

STATE OF IDAHO)
) ss.
County of Ada)

On this 8th day of ~~June~~ July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN RUEB and ARLENE RUEB, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same.

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

(SEAL)

Lori L. Ostensen
Notary Public for State of Idaho
Residing at:
My Commission Expires:

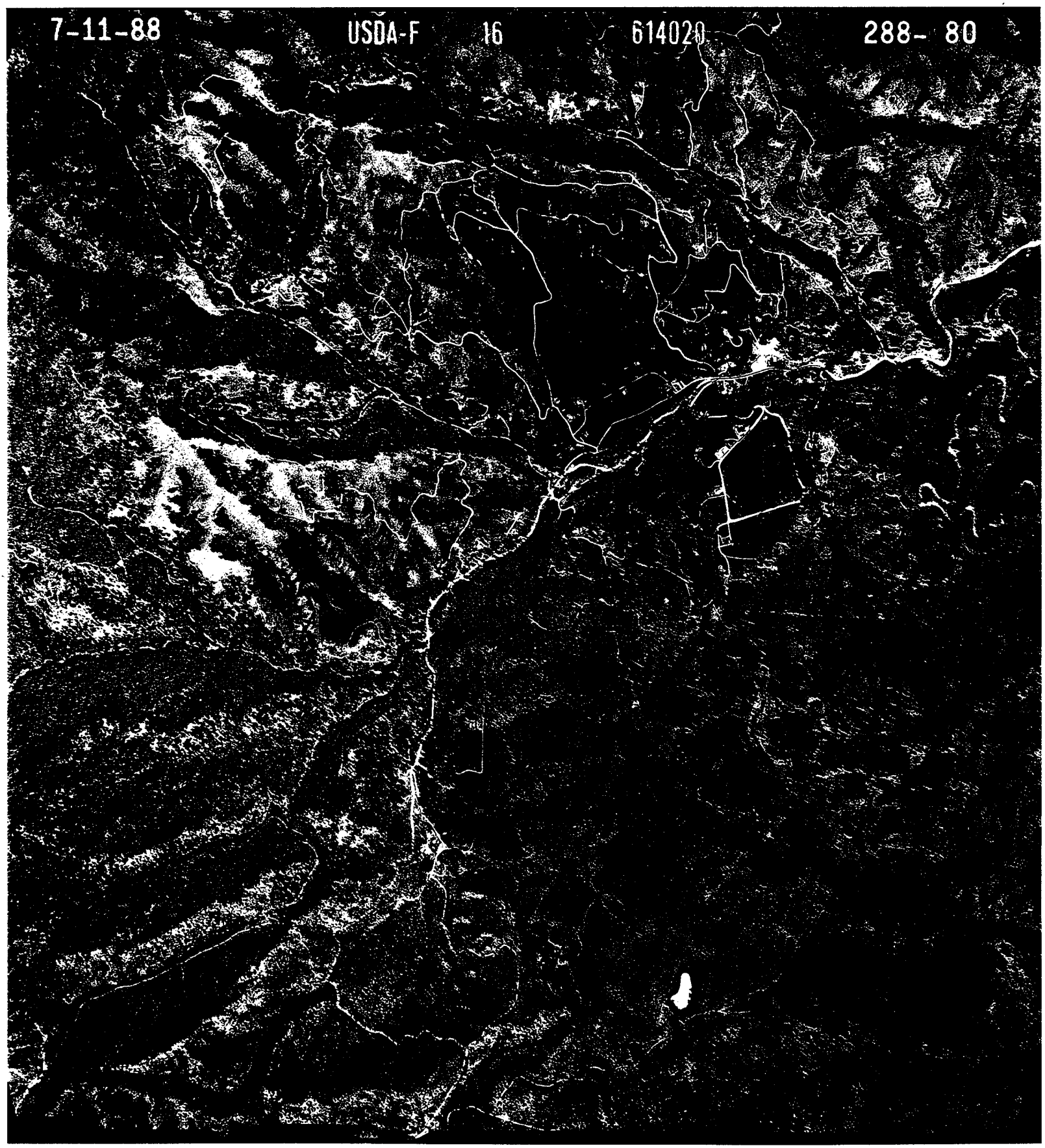
STATE OF IDAHO)
) ss.
County of Ada)

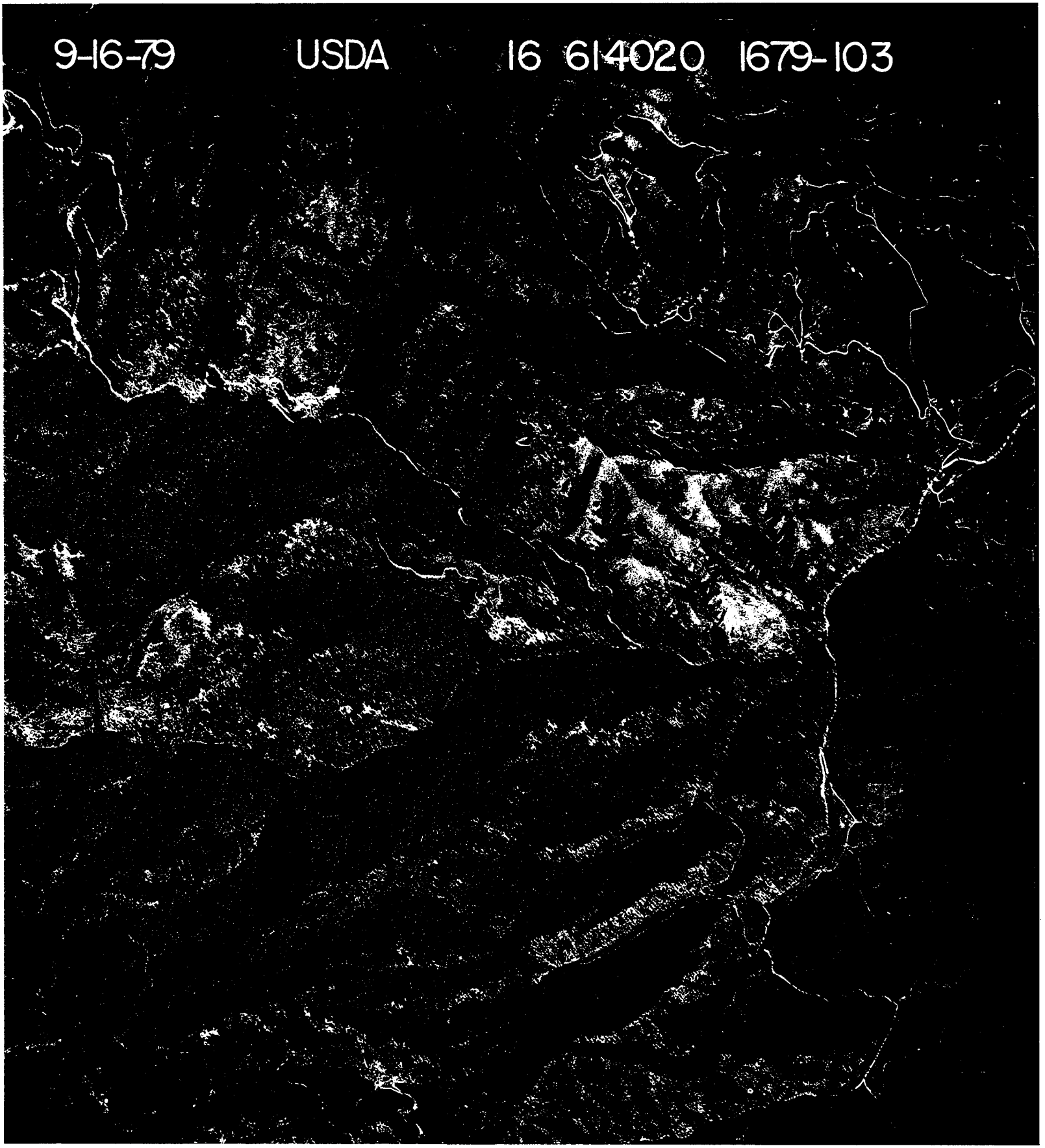
On this _____ day of June, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he/she executed the same.

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

(SEAL)

_____
Notary Public for State of Idaho
Residing at:
My Commission Expires:


7-11-88
USDA-F 16
614020
288- 80


9-16-79 USDA 16 614020 1679-103

RECEIVED

OCT 15 2001

WATER RESOURCES
WESTERN REGION

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

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.	**Case No. :39576** **Identification No. 63-31173, 63-31174 and A 63-05106** **AFFIDAVIT OF MICHAEL SWEENEY**

STATE OF IDAHO)
: ss.
County of Ada)

Michael Sweeney, being first duly sworn upon oath, deposes and states as follows:

1. I am an adult and have knowledge of the facts stated herein.

2. My wife, Mishael Sweeney, and I own Lot A in Boise Holcomb Subdivision No. 3, Boise County. We have resided at this property since 1991. Our mailing address is: 28 N. Fork Clear Creek Rd., Boise, Idaho 83716. The water right referred to in Exhibit A (63-5106) ("the Water Right") is used to irrigate Lot A and Lots 34, 34B, 35, 36, 37, 38, 39, 59, 60, 61, 62, 63, 64, 64B, 65, 66 and 69 of Boise Holcomb Subdivision No. 3 ("the Lots").

3. On June 5, 2001 I spoke to Chris Duncan at the Idaho Department of Water Resources concerning the future use of water diverted from the North Fork of Clear Creek by Jack Stolfo. I wish to correct any misunderstanding that may have resulted from that conversation. Prior to this year Jack Stolfo did use the Clear Creek water (i.e., 63-5106) for irrigation and stock water. In 2001 Jack Stolfo constructed roads and reservoirs in Boise Holcomb Subdivision No. 3 to serve the Lots, which he had purchased from Boise Holcomb, Inc. We mistakenly thought that such use was not a permissible use of his water right. We have since come to understand that the reservoirs are compatible with irrigation and stock watering on the Lots. Therefore we have no dispute concerning the manner in which Jack Stolfo uses his water rights.

4. Commencing 1991 and each year thereafter through 2001, I have, as agent for Jack Stolfo and Boise Holcomb, Inc. and on my own behalf, repaired and maintained the diversion structure in the North Fork of Clear Creek and the ditch which carries water from the North Fork of Clear Creek to the Lots ("Boise Holcomb Ditch"). Each year since 1991 I turned substantially all of the water that was in the North Fork of Clear Creek into the Boise Holcomb Ditch and used it to irrigate the Lots and my lot. The water was used to irrigate native grass pasture and fruit trees, for stock water and for fire protection. The location of the Boise

Holcomb Ditch diversion point and area irrigated are in the Notice of Claim designated as A63-05106.

5. Substantially all of the water that was in the North Fork of Clear Creek at the point of diversion was diverted into the Boise Holcomb Ditch during the entire irrigation season which was usually from May to October or November. There has never been a five year period since 1991 during which this was not the case.

6. To the best of my recollection, the area irrigated by the Boise Holcomb Ditch was grazed each year through 1996 by cattle owned by the Lanham family, whose ranch is located between Clear Creek and Mores Creek.

Dated this 12 day of October, 2001.

Michael Sweeney

SUBSCRIBED AND SWORN TO before me this 12 day of October, 2001.

Barry Marcus

Notary Public for State of Idaho
Residing at Boise, Idaho
My Commission Expires: 2003

(SEAL)

Form No. 243
4781

Claim No. 63-5106

RECEIVED
JUN 0 1983
Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that BOISE HOLCOMB, INC. (Name of Claimant)

737 North 7th St., Boise, Idaho 83702 (Mailing Address) (Zip Code) Telephone No. 342-3563

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 10, 1899

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

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
North Fork of Clear Creek tributary to Clear Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	Period of Use (Both dates inclusive) (Mo., Day)	To (Mo., Day)
Quantity	3.5 cfs ave	Use Irrigation	From May 1	To Nov. 1
Quantity	0.02 cfs	Use Stock water	From	To
Quantity		Use	From	To
Quantity		Use	From	To
Quantity		Use	From	To

(4) 3.5 cfs average (cfs, af) TOTAL QUANTITY USED. * See remarks

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 30 Twp. 5N. Rge. 4E. B.M., County of Boise
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate and ditch - 7cfs capacity

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	4E	29							40	35	20	40							135
5N	4E	30				10									15				25

No. of acres 160

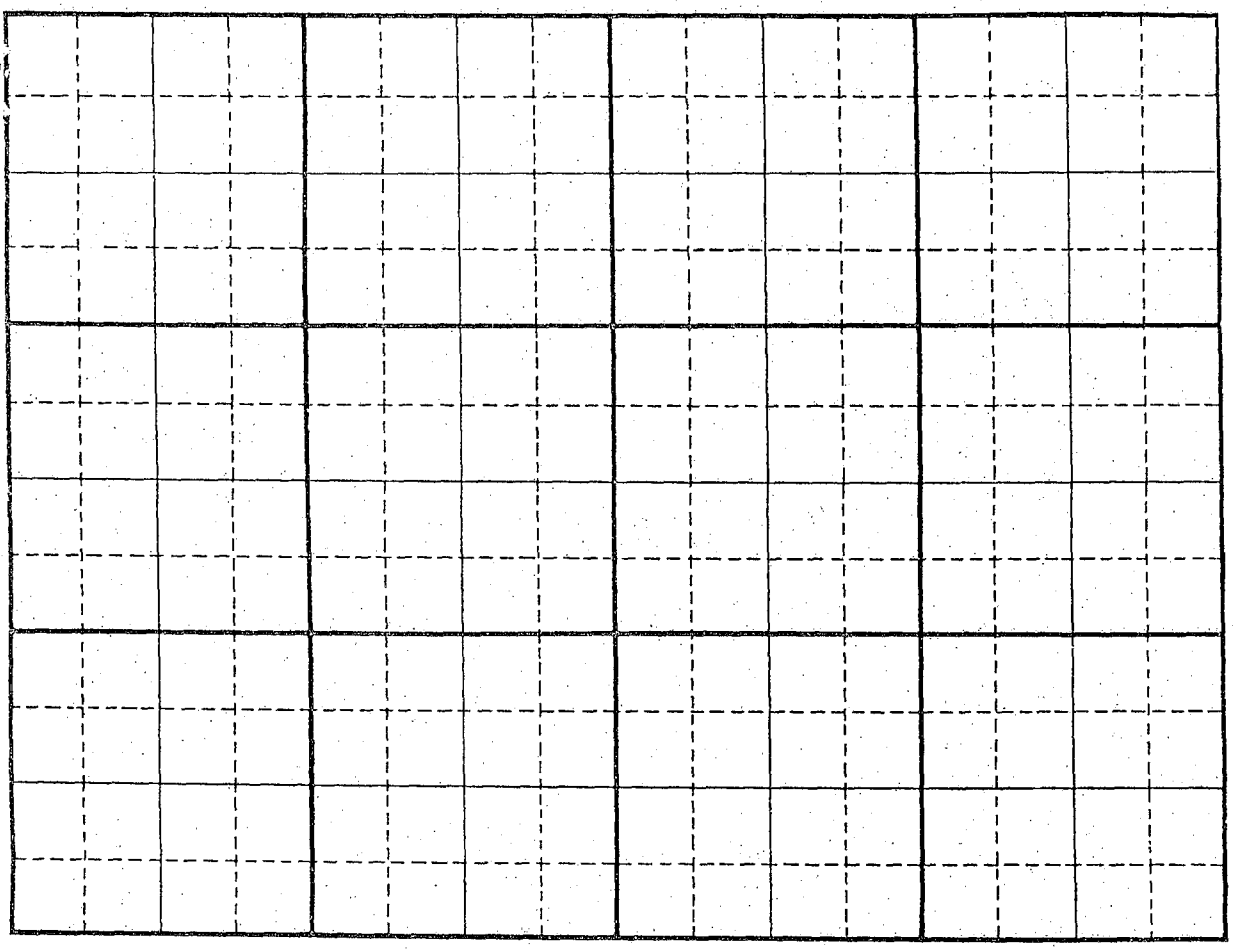
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 45 head cattle

(7) If you are claiming water as a member of an organization, list name of organization:
Claim filed on behalf of Boise Holcomb, Inc., an Idaho corporation

EXHIBIT A

(8) Remarks This water right was commenced pursuant to the Act of 1881 (attache See certified copy of the depositions of Clint Gardner and Bertha Gardner (attached) and The Notice of Water Right filed by John Davidson (attached). For the Point of Diversion see the attached map.



Scale: 2 inches equal 1 mile. See attached map.

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

State of Idaho)
) ss.
County of Ada)

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

BOISE HOLCOMB, INC.
By: M. Watkins
Its President

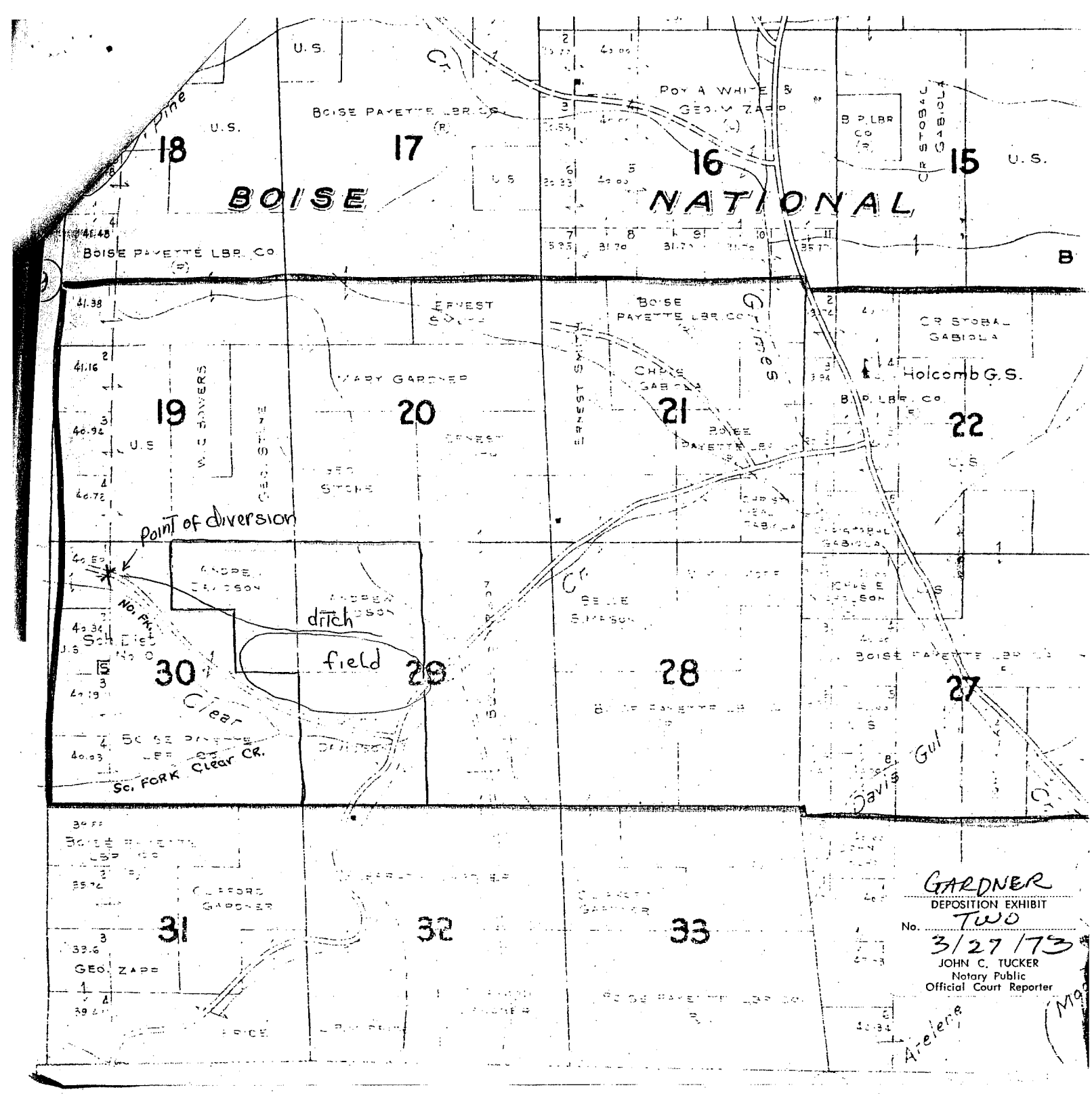
Sworn to before me this 31st day of May, 1983.

Alice L. Hoover
Notary Public for State of Idaho
Residing at Boise, Idaho

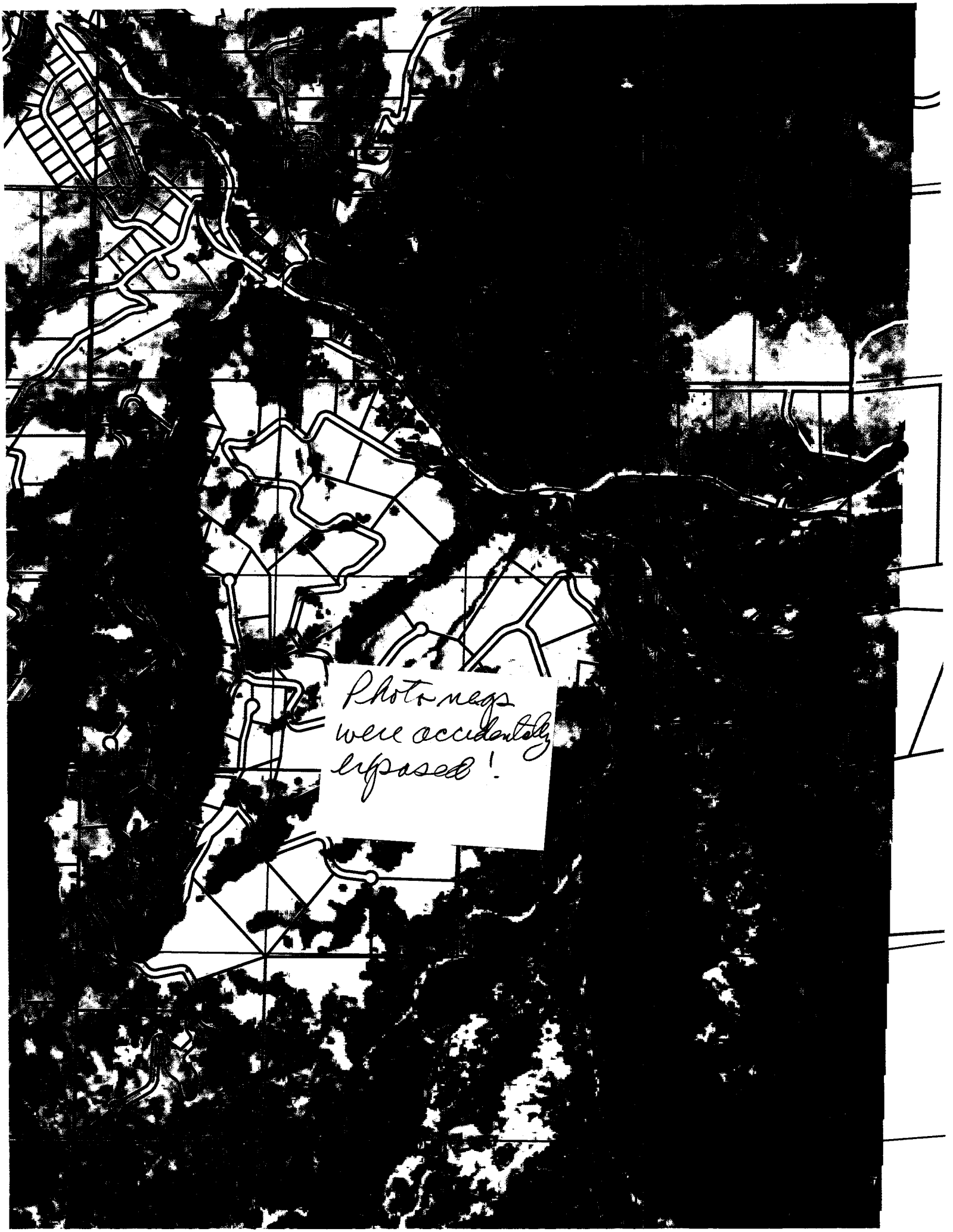
My commission expires 10/14/85

FOR DEPARTMENT USE ONLY

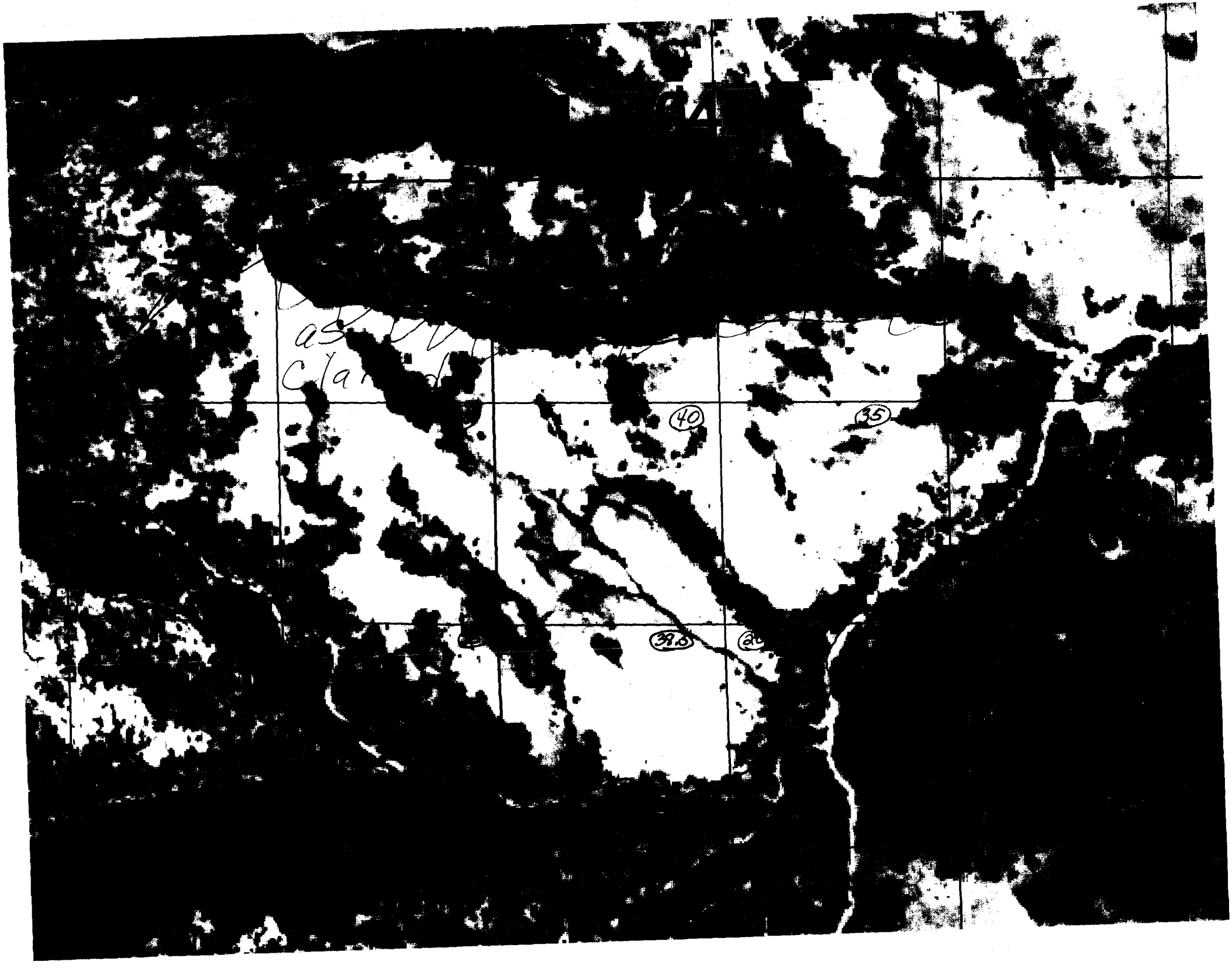
Received by mw SEC	Date 6-3-83 6/3/83	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by GFS	Date 6/28/83			
$30.00 fee received by JF	Date 6/6/83 28453			
Published in The Idaho Statesman				
Dates 7/20 + 8/4/83				


BOISE
NATIONAL
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U.S.
Point of diversion
No. Fk.
ditch
field
Clear
Sc. FORK Clear CR.
Holcomb G.S.
GARDNER
DEPOSITION EXHIBIT
No. TWO
3/27/73
JOHN C. TUCKER
Notary Public
Official Court Reporter

T. 5 N. R. 4 E.


Photo negs
were accidentally
exposed!




40
35

A63-31173 NF Clear Creek.

1. POQ - GPS

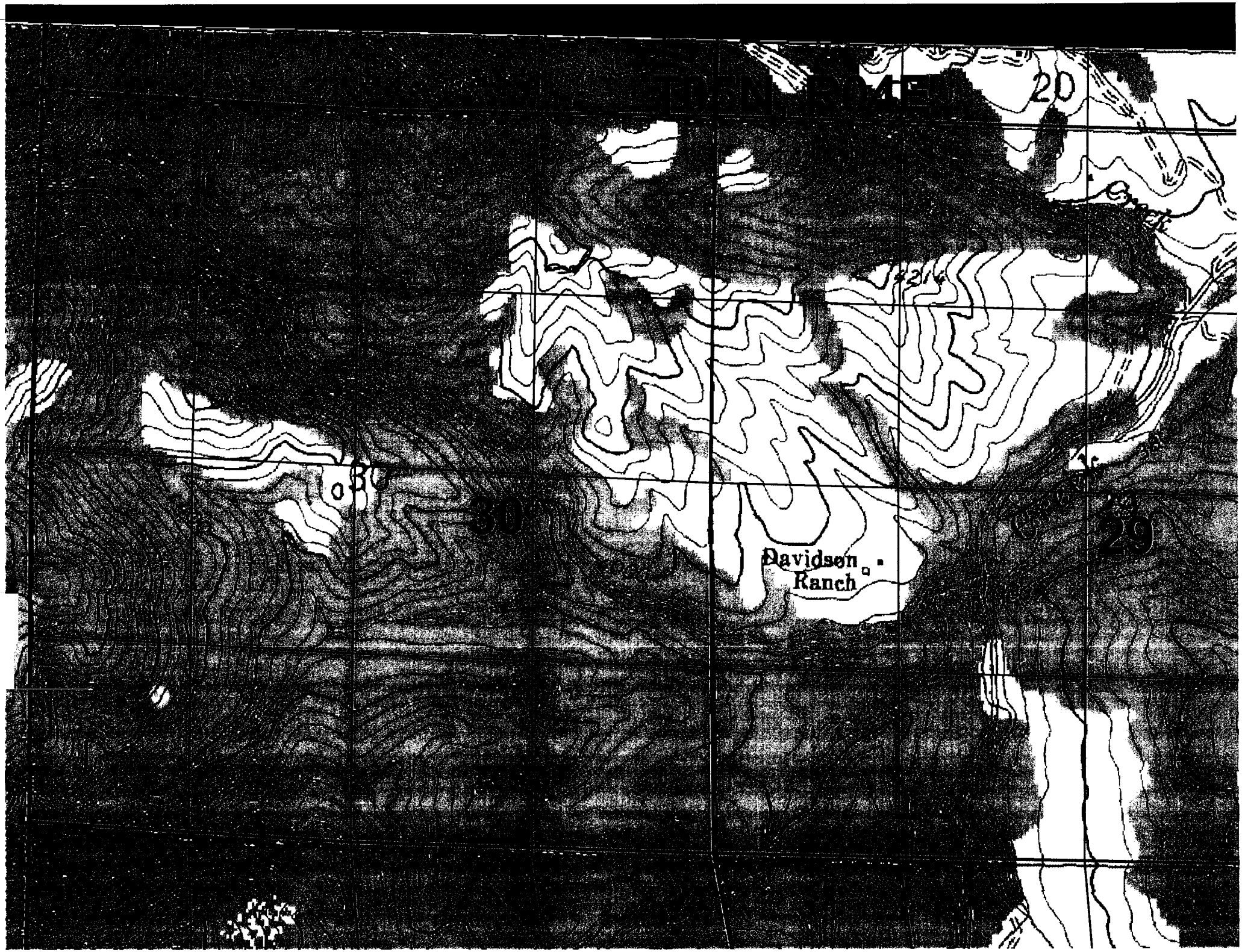
2. Delivery system - still in place?

3. When was property subdivided?
Boise - Holcomb Sub.

4. NESE, S30 = USFS land - include?

5. See complaint memo dated 6-5-2001 concerning water use. for this claim

Contact Barry Marcus for appt for field exam.


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29
Davidson
Ranch