

Warranty Deed

THIS INDENTURE, Made this 26th day of May, in the year
of our Lord one thousand nine hundred and fifty-nine, between

JOHN H. J. PEARCE, AS TRUSTEE
of Miami, County of Dade, State of Florida, the party of the first part, and
OLIVER R. HUTCHINGS and MILDRED D. HUTCHINGS, his wife
of Boise, County Boise, State of Idaho, the parties of the second part:

WITNESSETH:

That the said party of the first part, for and in consideration
of the sum of One Thousand Three Hundred Fifty-three and no/100 Dollars
lawful money of the United States of America, to him in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has
granted, bargained and sold, and by these presents doth grant, bargain, sell,
convey and confirm unto the said parties of the second part, and to their heirs
and assigns forever, all of the following described real estate situated in
Boise County, State of Idaho, to-wit:

Beginning at Corner No. 1-1629 Mary Claim from which the
corner common to Sections 25, 26, 35, 36, T. 5 N., R. 4 E., B.M.,
bears S. 68 deg. 49' E., 1608.03 feet;

Thence along the easterly boundary of the claim S. 24 deg. 36' E.,
108.93 feet to the right bank of Moores Creek;

Thence along the right bank of Moores Creek S. 7 deg. 29 1/2' E.,
880.25 feet;

Thence along the right bank of Moores Creek S. 10 deg. 56' E.,
528.00 feet tp a Bureau of Public Roads offset R. O. W. monument;

Thence N. 84 deg. 21 1/2' E., 21.00 feet to the westerly R.O.W.
limits of State Highway No. 21;

Thence southwesterly along a curve to the right formed by the
highway R. O. W., which is 50 feet northwesterly and parallel to
the centerline curve that has the following characteristics:

Central angle	87 deg. 25'
Degree of curve	18 deg.
Length of spirals	100 ft.
Spiral angles	9 deg. 00';



X 4030

fall

ET

RD

3800

T05N, R04E

Picnic
Area

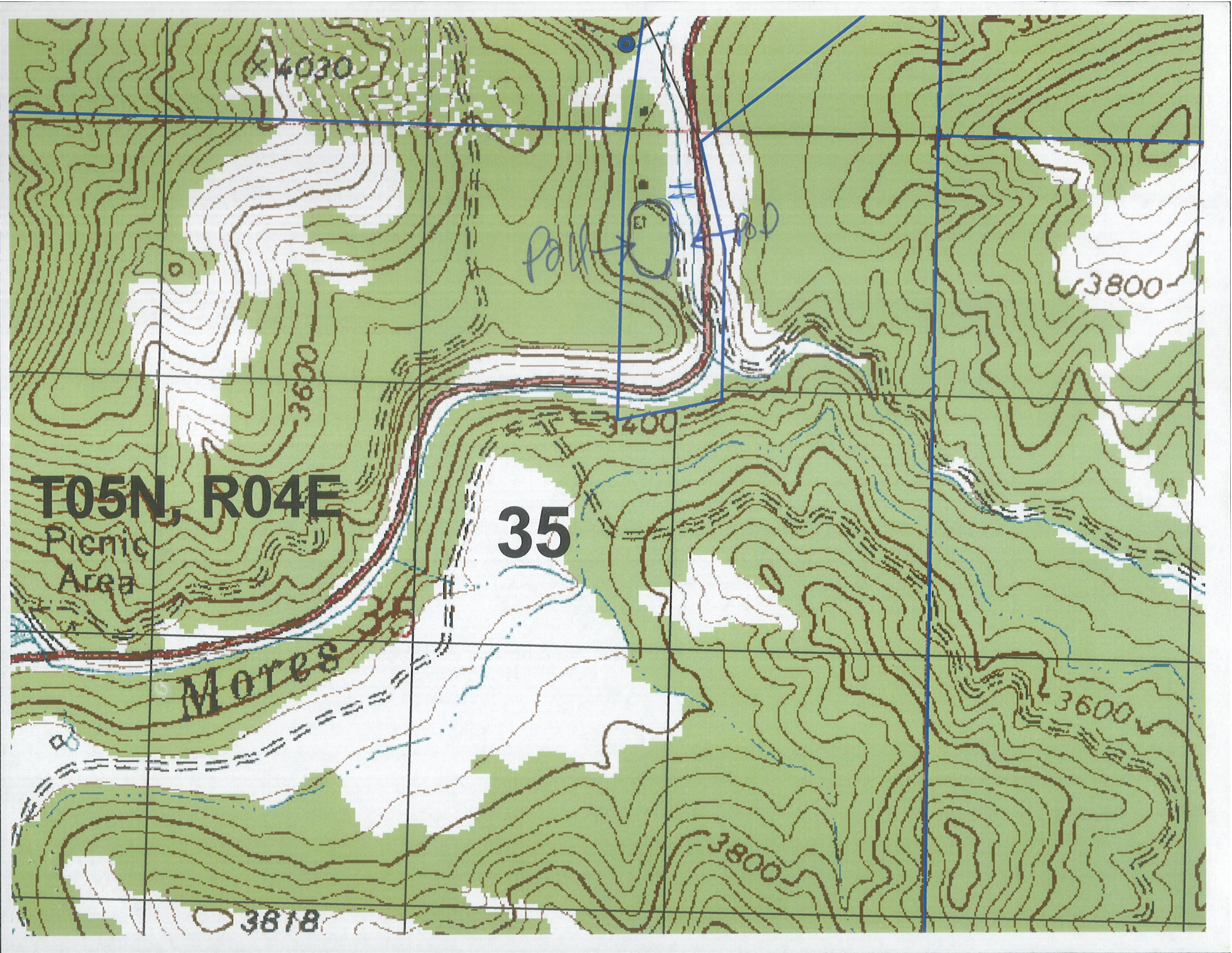
35

Mores

3600

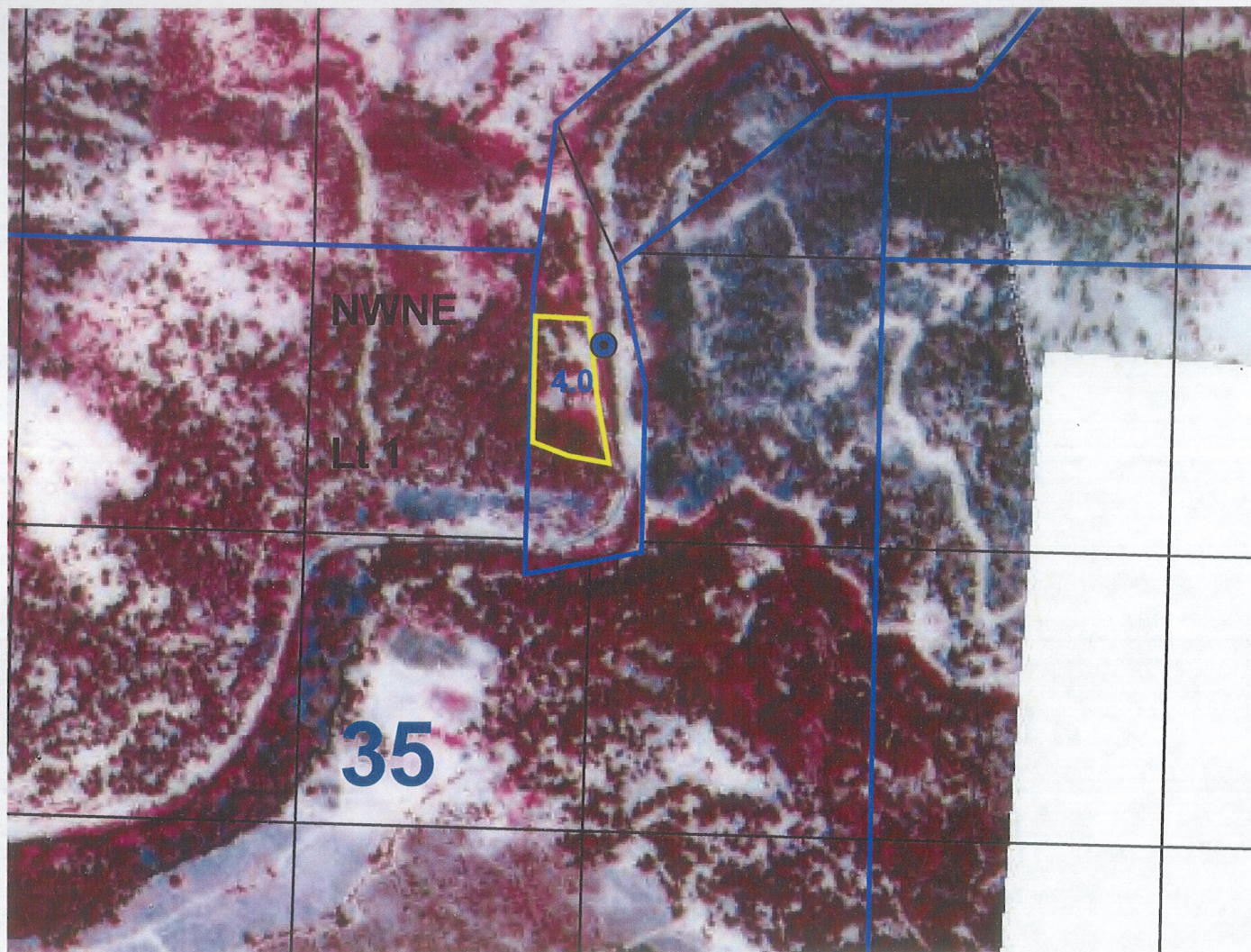
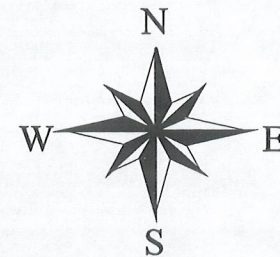
3800

3618



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

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

6 ACRES

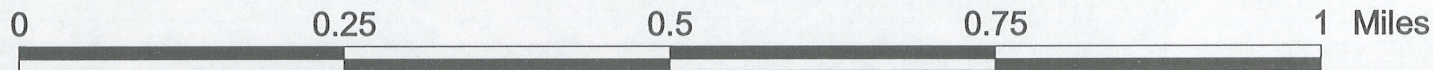
6 SECTION NUMBERS

CLAIM(S): 63-31328

OWNER(S): PERRY, MICHAEL & TAMI

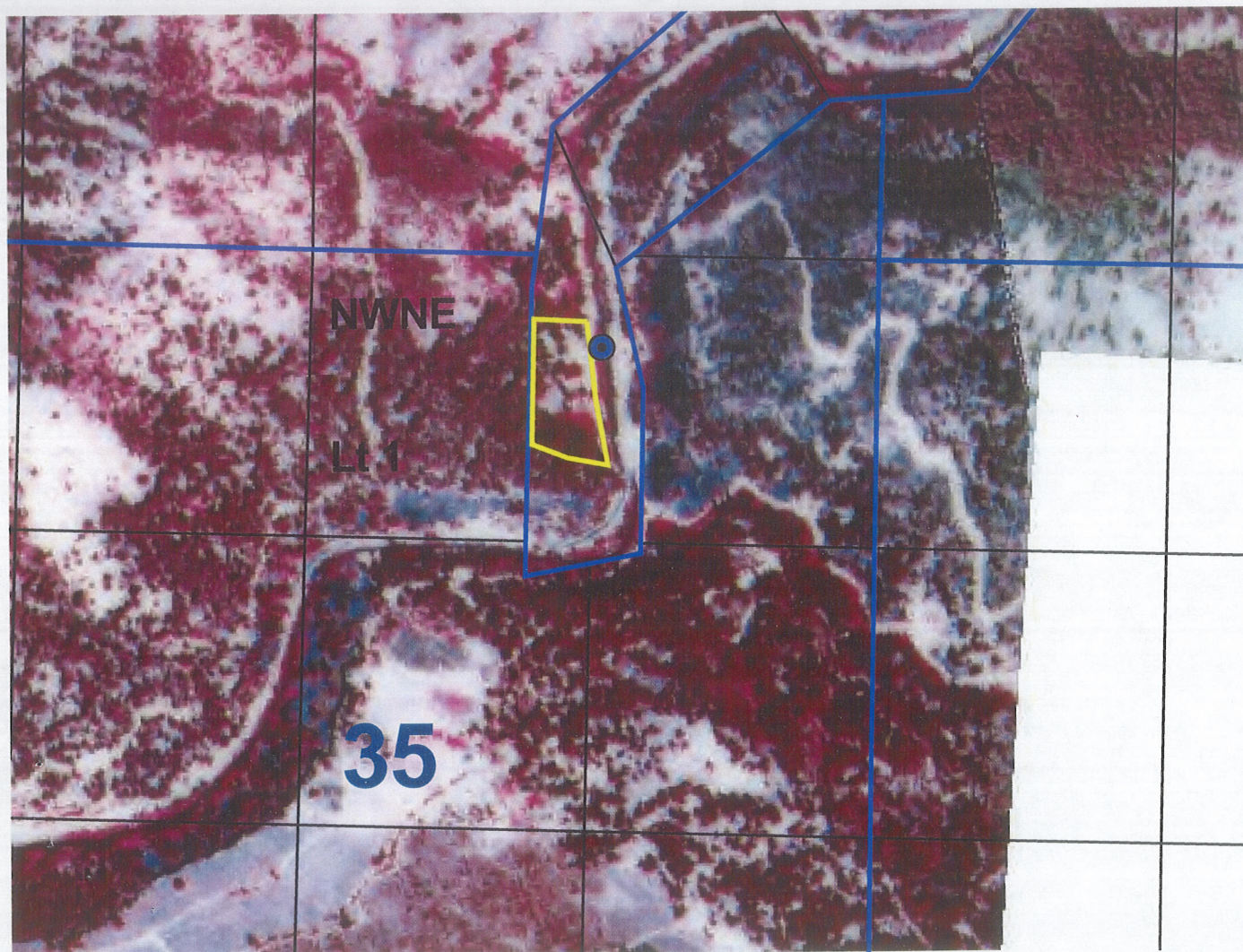
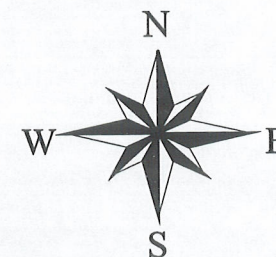
DATE: OCTOBER 25, 2001

by: Mel Schulte



IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

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

6 ACRES

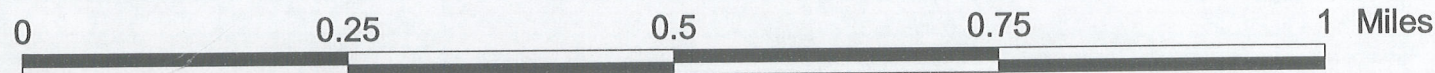
6 SECTION NUMBERS

CLAIM(S): 63-31328

OWNER(S): PERRY, MICHAEL & TAMI

DATE: OCTOBER 25, 2001

by: Mel Schulte



A63-31328

PHOTOS TAKEN 10/31/2001



PHOTO #1
PART OF POU IN
FRONT OF HOME



PHOTO #2
PART OF POU
LOOKING SW FROM
DRIVEWAY

A63-31328

PHOTOS TAKEN 10/25/2001



PHOTO #3
POINT OF DIVERSION

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 63-31328
Date Received: 10/17/2001
Receipt No: *WO 28420*
Received By: *MTS*

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

1. Name of Claimant(s)

MICHAEL C PERRY Phone: (208)392-4977

10 COUGAR LANE
BOISE ID USA 83716

TAMI J PERRY Phone: (208)392-4977

10 COUGAR LANE
BOISE ID USA 83716

2. Date of Priority: 12/26/1898

3. Source: MORES CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04E	35	NW NE	BOISE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.08	

7. Total Quantity Appropriated is:
0.08 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
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05N

04E

35

NW

NE

IRRIGATION

4

Section Acres

4

Total Acres

4

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:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Lami J. Perry* Date: 10-17-01

_____ Date:

State of Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this

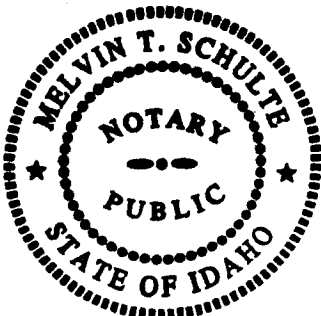
of October 2001

^{17th}
Melvin T. Schultz

Notary Public

Residing at Boise, Idaho

My commission Expires 7-24-2006



COMMITMENT NO.: P 90890/B

4. THE LAND REFERRED TO IN THIS COMMITMENT IS LOCATED IN THE COUNTY OF BOISE STATE OF IDAHO AND DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1-1629 MARY CLAIM FROM WHICH THE CORNER COMMON TO SECTIONS 25, 26, 35, 36, TOWNSHIP 5 NORTH, RANGE 4 EAST BOISE MERIDIAN BEARS SOUTH 68°49' EAST 1608.03 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF THE CLAIM SOUTH 24°36' EAST 108.93 FEET TO THE RIGHT BANK OF MORES CREEK; THENCE ALONG THE RIGHT BANK OF MORES CREEK SOUTH 7°29'-1/2' EAST 880.25 FEET; THENCE ALONG THE RIGHT BANK OF MORES CREEK SOUTH 10°56' EAST 528.00 FEET TO A BUREAU OF PUBLIC ROADS OFFSET RIGHT OF WAY MONUMENT; THENCE NORTH 84°21'-1/2' EAST 21.00 FEET TO THE WESTERLY RIGHT OF WAY LIMITS OF STATE HIGHWAY NO. 21; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT FORMED BY THE HIGHWAY RIGHT OF WAY, WHICH IS 50 FEET NORTHWESTERLY AND PARALLEL TO THE CENTERLINE CURVE THAT HAS THE FOLLOWING CHARACTERISTICS:
CENTRAL ANGLE 87°25', DEGREE OF CURVE 18°, LENGTH OF SPIRALS 100 FEET, SPIRAL ANGLES 9°00'; THENCE NORTH 80°13'-1/2' WEST 14.15 FEET TO THE POINT OF INTERSECTION OF THE NORTHERLY HIGHWAY RIGHT OF WAY AND THE WESTERLY BOUNDARY OF THE CLAIM FROM WHICH CORNER 3-1629 MARY CLAIM BEARS SOUTH 0°58' WEST 216.97 FEET AND IS LOCATED AS DESCRIBED IN THE OFFICIAL RECORD; THENCE ALONG THE WESTERLY CLAIM BOUNDARY NORTH 0°58' EAST 1090.58 FEET TO CORNER NO. 2-1629 MARY CLAIM; THENCE ALONG THE WESTERLY CLAIM BOUNDARY NORTH 5°48' EAST 733.74 FEET TO THE POINT OF BEGINNING.

EXCEPT ONE-HALF INTEREST IN ALL MINERAL AND ORE DEPOSITS RESERVED BY JOHN J. H. PEARCE, AS TRUSTEE.

EXCEPT THEREFROM A PARCEL OF LAND IN SECTIONS 26 AND 35, TOWNSHIP 5 NORTH, RANGE 4 EAST, BOISE MERIDIAN, BOISE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1, MARY PLACER PATENT, UNITED STATES MINERAL SURVEY NO. 1629; THENCE SOUTH 5°48' WEST ALONG THE CLAIM LINE BETWEEN CORNER NO. 1 AND CORNER NO. 2, 648.74 FEET TO A STEEL PIN; THENCE NORTH 83°27' EAST 181.15 FEET, MORE OR LESS, TO THE RIGHT BANK OF MORES CREEK; THENCE NORTH 7°29'30" WEST ALONG THE RIGHT BANK OF MORES CREEK 530.25 FEET, MORE OR LESS, TO A POINT ON THE CLAIM LINE BETWEEN CORNER NO. 1 AND CORNER NO. 6; THENCE LEAVING THE RIGHT BANK OF MORES CREEK

COMMITMENT NO.: P 90890/B

NORTH 24°36' WEST ALONG THE CLAIM LINE BETWEEN CORNER NO. 1 AND
CORNER NO. 6 108.93 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM:

COMMENCING AT CORNER NO. 1-1629 OF THE PATENTED MARY PLACER
CLAIM, U.S. MINERAL SURVEY 1629, FROM WHICH THE CORNER COMMON TO
SECTIONS 25, 26, 35, AND 36, OF TOWNSHIP 5 NORTH, RANGE 4 EAST,
BOISE MERIDIAN, BOISE COUNTY, IDAHO, BEARS SOUTH 68°49' EAST
1608.03 FEET; THENCE ALONG THE EASTERLY BOUNDARY OF SAID CLAIM
SOUTH 24°36' EAST 108.93 FEET TO THE RIGHT BANK OF MORES CREEK;
THENCE ALONG THE RIGHT BANK OF MORES CREEK
SOUTH 7°29'30" EAST 530.25 FEET TO A STEEL PIN ON THE RIGHT BANK
OF MORES CREEK WHICH POINT IS THE REAL POINT OF BEGINNING;
THENCE CONTINUING ALONG THE RIGHT BANK OF MORES CREEK
SOUTH 7°29'30" EAST 220.0 FEET TO A POINT; THENCE LEAVING THE
RIGHT BANK OF MORES CREEK
SOUTH 86°30' WEST 230.0 FEET TO A POINT ON THE WEST SIDE LINE OF
SAID CLAIM; THENCE ALONG A WEST SIDE LINE OF SAID CLAIM
NORTH 0°58' EAST 132.0 FEET TO CORNER 2-1629 OF SAID CLAIM;
THENCE CONTINUING ALONG A WEST SIDE OF SAID CLAIM
NORTH 5°48' EAST 85.0 FEET TO A STEEL PIN; THENCE
NORTH 83°27' EAST, 181.15 FEET TO THE REAL POINT OF BEGINNING.

Warranty Deed

THIS INDENTURE, Made this 26th day of May, in the year
of our Lord one thousand nine hundred and fifty-nine, between

JOHN H. J. PEARCE, AS TRUSTEE

of Miami, County of Dade, State of Florida, the party of the first part, and

OLIVER R. HUTCHINGS and MILDRED D. HUTCHINGS, his wife

of Boise, County Boise, State of Idaho, the parties of the second part:

WITNESSETH:

That the said party of the first part, for and in consideration
of the sum of One Thousand Three Hundred Fifty-three and no/100 Dollars
lawful money of the United States of America, to him in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has
granted, bargained and sold, and by these presents doth grant, bargain, sell,
convey and confirm unto the said parties of the second part, and to their heirs
and assigns forever, all of the following described real estate situated in
Boise County, State of Idaho, to-wit:

Beginning at Corner No. 1-1629 Mary Claim from which the
corner common to Sections 25, 26, 35, 36, T. 5 N., R. 4 E., B.M.,
bears S. 68 deg. 49' E., 1608.03 feet;

Thence along the easterly boundary of the claim S. 24 deg. 36' E.,
108.93 feet to the right bank of Moores Creek;

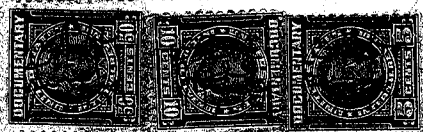
Thence along the right bank of Moores Creek S. 7 deg. 29 1/2' E.,
880.25 feet;

Thence along the right bank of Moores Creek S. 10 deg. 56' E.,
528.00 feet tp a Bureau of Public Roads offset R. O. W. monument;

Thence N. 84 deg. 21 1/2' E., 21.00 feet to the westerly R.O.W.
limits of State Highway No. 21;

Thence southwesterly along a curve to the right formed by the
highway R. O. W., which is 50 feet northwesterly and parallel to
the centerline curve that has the following characteristics:

Central angle	87 deg. 25'
Degree of curve	18 deg.
Length of spirals	100 ft.
Spiral angles	9 deg. 00';



Thence N. 80 deg. 13 1/2' W., 14.15 feet to the point of intersection of the northerly highway R. O. W. and the westerly boundary of the claim, from which corner 3-1629 Mary Claim bears S. 0 deg. 58' W., 216.97 feet and is located as described in the official record;

Thence along the westerly claim boundary N. 0 deg. 58' E., 1090.58 feet to corner No. 2-1629 Mary Claim;

Thence along the westerly claim boundary N. 5 deg. 48' E., 733.74 feet to the point of beginning;

Containing 9.02 acres more or less.

A plat of the foregoing property prepared by Hoffmann-Fiske & Milar, Engineers, dated May 1st, 1959 is hereto attached.

Together with access to that certain Water Right located by George A. Williams for the purpose of taking water out of Moore's Creek, at a point on said Creek near what is known as the head of Cold Springs Flat, said right located December 26th, 1898 and notice thereof recorded in Book 3 of Mill Sites and Water Rights, at page 218 in the Office of the County Recorder of Boise County, Idaho.

Also access to that certain Water Right located by William Stierman claiming the waters of Thorn Creek at a point opposite said Stierman's Ranch in said Boise County, Idaho, notice of location thereof being recorded in Book 2 of Mill Sites and Water Rights at page 127 in the Office of the County Recorder of said Boise County, Idaho.

There is specifically reserved to the grantor, his heirs, assigns or successors, a one-half interest in all mineral and ore deposits contained in or upon the premises in the event the grantees, their heirs or successors in title should ever engage in such mining operations on the property herein conveyed.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with appurtenances unto the parties of the second part and to their heirs, assigns and successors forever. And the said party of the first part, and his heirs, will warrant and by these presents forever defend the said premises in the quiet and peaceful possession of the parties of the second part, their heirs, assigns and successors against the said party of the first part and his heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same by, through, and under the grantor herein.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Helen M. Moberg

Lillian V. Manning

John Pearce
Trustee

(Seal)



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

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *PK*

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31328

2004 NOV 4 AM 11 55

NAME AND ADDRESS: MICHAEL C PERRY
TAMI J PERRY
10 COUGAR LN
BOISE, ID 83716

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 12/26/1898

POINT OF DIVERSION: T05N R04E S35 LOT 1 (NWNE) Within Boise County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS

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

PLACE OF USE: Irrigation Within Boise County
T05N R04E S35 LOT 1 (NWNE) 4.0
4.0 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. I.C. SECTION 42-1412(6).

08/12/2003

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

RIGHT NUMBER: 63-31328

NAME AND ADDRESS: MICHAEL C PERRY
10 COUGAR LN
BOISE ID 83716

TAMI J PERRY
10 COUGAR LN
BOISE ID 83716

SOURCE: MORES CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 12/26/1898

POINT OF
DIVERSION: T05N R04E S35 NWNE Lot 1 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.080 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.

*YJB
MCP*

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S35 Lot 1 NWNE 4.0

4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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)

A. Subcase 63-31328

(Insert water right number)

Case No. 39576)

**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: Michael C Perry Tami J Perry

Address: 10 Cougar Ln
Boise, ID 83716

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

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: April 1 to November 1

9. ☐ **Place of Use**

Should be:

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING EACH OBJECTION(S):

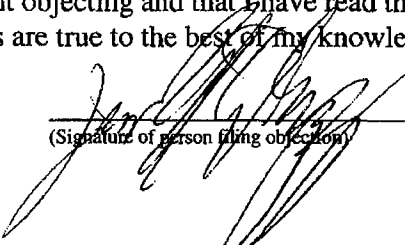
The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow (a) injury to the United States' water rights, (b) impairment of historic river conditions conducive to regular United States Bureau of Reclamation diversions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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

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

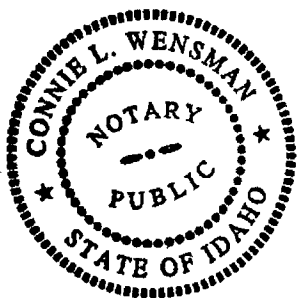
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 29, 2003





Connie L. Wensman

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 10-06-2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Michael C Perry Tami J Perry

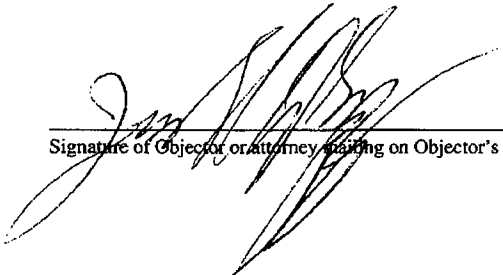
Address: 10 Cougar Ln
Boise, ID 83716

3. Copies to:

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

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

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


Signature of Objector or attorney acting on Objector's behalf

Page 1

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

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

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

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

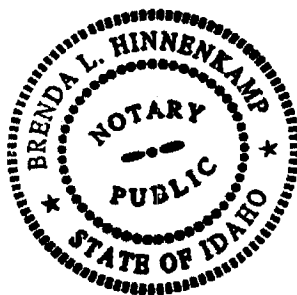
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

Albert P. Barker
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003



Brenda L. Hinnenkamp
Brenda L. Hinnenkamp
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 9/11/2004

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 30, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Name: See Attachment B
Address:

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

Attachment A

63-3540	63-7984A	63-7984B
63-8624	63-10279	63-31335
63-31336	63-7119	63-7115
63-148B	63-15395	63-2472
63-7529	63-7037	63-2026
63-7207	63-31077	63-5102
63-5192	63-318A	63-318C
63-4629A	63-4797	63-4810
63-5101	63-31074	63-31289
63-31328	63-19A	63-19B
63-378	63-4636	63-5057
63-31124	63-31173	63-31174
63-31319	63-31320	63-31397
63-4548	63-3125	63-15093
63-15677	63-31317	63-5332
63-5334	63-4071	63-31380
63-5235	63-4629C	63-31454
63-5408	63-2171	63-5167
63-317B	63-320A	63-7613D
63-30310	63-97	63-15409
63-3447D	63-3447B	63-3447C
63-5161B	63-15101	63-4731
63-3422B	63-5161C	63-3422A
63-5251	63-5250	63-15684
63-5108	63-15427	63-15094
63-15206	63-15373	63-2252

ATTACHMENT D

63-3540

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-8624

Randall A Ambuehl
HC 33 Box 1610
Boise ID 83706

63-31336

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-148B

South Boise Water Co
PO Box 6005
Boise ID 83707

63-7529

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-2026

James E Bryant
1915 N 11th
Boise ID 83712

63-5102

Laura LA May Holmes
2391 Sheri Dr
Emmett ID 83617

63-318C

Paula E Lewis
Stephen E Lewis
PO Box 4002
Boise ID 83711-4002

63-4810

Walter S Nichols
Sara A Nichols
12 Cougar Ln
Boise ID 83716

63-31289

Walter M Nichols
Thelma E Nichols
14 Cougar Lane
Boise ID 83716

63-7984A

Teresa L Raschke
Steven L Raschke
2095 Panama St
Boise ID 83705

63-10279

Cumer L Green
PO Box 2597
Boise ID 83701

63-7119

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-15395

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-7037

Blue Jay Creek Water & Road Users Inc
C/O Robert O Walker
129 Blue Jay Creek Rd
Boise ID 83706

63-7207

Barbara W Little
1980 Myers Rd
Boise ID 83706

63-5192

David Steadman
Lynae Steadman
8873 Ottawa Ct
Boise ID 83709

63-4629A

Wilderness Ranch Owners Assn Inc
46 Wilderness Ranch Rd
Boise ID 83716

63-5101

Marilyn Priest
Jay R Priest
PO Box 122
Idaho City ID 83631

63-31328

Michael C Perry
Tami J Perry
10 Cougar Ln
Boise ID 83716

63-7984B

Lawrence Poisson
Sheila Poisson
3193 Highway 21
Idaho City ID 83716

63-31335

Val Dean Schroeder
13 Blacksmith Road
Boise ID 83716

63-7115

Michael Robich
Lynette Robich
87 Beaver Creek Rd
Boise ID 83716

63-2472

Chapman Ranch LLC
737 N 7th St
Boise ID 83702

63-2026

Hilda Larson
3015 Silver St
Boise ID 83703

63-31077

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

63-318A

Ranch Subdivision Property Owners
Assn
26 Burnett Dr
Boise ID 83716

63-4797

Connie Jo Cooper
Douglas S Cooper
2268 Highway 21
Boise ID 83716

63-31074

Barry Marcus
737 N 7th St
Boise ID 83702

63-19A

Larry R Smith
Alda L Smith
8442 W Beachside Ct
Boise ID 83703

63-19B

Rosemary Swanstrum
Philip Swanstrum
2708 Columbus
Boise ID 83705

63-5057

Francis Mangum
Shirley Mangum
17 Old Mill Rd
Boise ID 83716

63-31174

Michal Sweeney
28 N Fork Clear Creek Rd
Boise ID 83716

63-31397

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

63-15093

Gail G Allen
Robert P Allen
14 Allen Ln
Boise ID 83716

63-5332

Osprey Land Co
737 N 7th St
Boise ID 83702

63-5235

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-5408

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

63-317B

Richard A Stull
K Gail Richardson
13 Robie Creek Ln
Boise ID 83716

63-97

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

63-378

Dirk L Marcum
14364 E Highway 21
Boise ID 83716

63-31124

Allen Cupit
Diana Cupit
25 Old Mill Rd
Boise ID 83716

63-31319

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

63-4548

James R Stringfellow
787 David Way
North Salt Lake UT 84054

63-15677

Barry Marcus
737 N 7th St
Boise ID 83702

63-4071

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

63-4629C

Sherry Smith
James C Smith
7 Mores Creek Cir
Boise ID 83716

63-2171

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-320A

Wade C Woolery
1902 Thompson Street
Richland WA 99352

63-15409

Wilda Bradley
33 Wild Rose Ln
Boise ID 83716

63-4636

Connie M Claus
105 Johnson Creek Rd
Boise ID 83716

63-31173

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

63-31320

David Peterson
Toni Peterson
14 Homestead Ct
Boise ID 83716

63-3125

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

63-31317

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31380

Rex E Lanham
2630 Highway 21
Boise ID 83716

63-31454

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

63-5167

Rex B Lanham
2630 Highway 21
Boise ID 83716

63-7613D

Mervenna S Hodgins
Marilyn E Dawson
PO Box 6466
Boise ID 83707

63-30310

Steven D Cummings
545 Robie Creek
Boise ID 83716

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63-15427
Maurice Brown
11 Hoover Dr
Boise ID 83716

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

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

IDAHO DEPARTMENT OF WATER RESOURCES 11/15/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

63-31328

NAME AND ADDRESS: MICHAEL C PERRY
10 COUGAR LANE
BOISE ID 83716

TAMI J PERRY
10 COUGAR LANE
BOISE ID 83716

SOURCE: MORES CREEK TRIBUTARY: BOISE RIVER

QUANTITY: 0.08 CFS

PRIORITY DATE: 12/26/1898

POINT OF DIVERSION:

T05N R04E S35 NWNE Lot 1 Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.080 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T05N R04E S35 Lot 1 NWNE 4.0

4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 5, 2002

Water right number: 63-31328

MICHAEL C PERRY
10 COUGAR LN
BOISE ID 83716

TAMI J PERRY
10 COUGAR LANE
BOISE ID 83716

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

mp I AGREE with this proposed recommendation: no changes need to be made.

DATE:

3-21-02

SIGNATURE:

Tami J Perry

Please print your name:

Tami J. Perry

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

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

CLAIM NO(s). 403-31328

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: 12-26-1898
(If the priority date, based on your exam, seems questionable, explain below.)

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

Source found: _____

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

Township _____ Range _____ Section _____ 1/4 _____ 1/4 NW 1/4 NE = L+1
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

2100c motor - 1 1/2 hp with 1 1/2" intake & 1" discharge
Pump to sprinkler system

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 _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

Use: _____ Township _____ Range _____ Section _____ 1/4 NW 1/4 NE = L + 1
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

Accompanied by Terri Perry

C18

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *10-25-01*

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

JOHN H. J. PEARCE, as Trustee

to

OLIVER R. HUTCHINGS & MILDRED D. HUTCHINGS

WARRANTY DEED

Instrument # 64759

Dated: May 26th, 1959

Recorded: June 1, 1959,

Book 55, Deeds, page 622

Consideration: \$1,353.00

Party of the first part grants, bargains and sells, conveys and confirms unto the parties of the second part, the following described lands, situated in Boise County, State of Idaho.

Beginning at Corner No. 1-1629 Mary Claim from which the corner common to Sections 25, 26, 35, 36, T. 5 N., R. 4 E., B.M., bears S. 68 deg. 49' E., 1608.03 feet;

Thence along the easterly boundary of the claim S. 24 deg. 36' E., 108.93 feet to the right bank of Moores Creek;

Thence along the right bank of Moores Creek S. 7 deg. 29½' E., 880.25 feet;

Thence along the right bank of Moores Creek S. 10 deg. 56' E., 528.00 feet to a Bureau of Public Roads offset R. O. W. monument;

Thence N. 84 deg. 21½' E., 21.00 feet to the westerly R.O.W. limits of State Highway No. 21;

Thence Southwesterly along a curve to the right formed by the highway R.O.W., which is 50 feet northwesterly and parallel to the centerline curve that has the following characteristics:

Central Angle	87 deg. 25'
Degree of curve	18 deg.
Length of spirals	100 ft.
Spiral angles	9 deg. 00';

Thence N. 80 deg. 13½' W., 1415 feet to the point of intersection of the northerly highway R.O.W. and the westerly boundary of the claim, from which corner 3-1629 Mary Claim bears S. 0 deg. 58' W., 216.97 feet and is located as described in the official record;

Thence along the westerly claim boundary N. 0 deg. 58' E., 1090.58 feet to Corner No. 2-1629 Mary Claim;

Thence along the westerly claim boundary N. 5 deg. 48' E., 733.74 feet to the point of beginning;

Containing 9.02 acres more or less.

A plat of the foregoing property prepared by Hoffmann-Fiske & Milar, Engineers, dated May 1st, 1959, is hereto attached.

Together with access to that certain Water Right located by George A. Williams for the purpose of taking water out of Moore's Creek, at a point on said Creek near what is known as the head of Cold Springs Flat, said right located December 26th, 1898. and notice thereof recorded in Book 3 of Mill Sites and Water Rights, at page 218 in the Office of the County Recorder of Boise County, Idaho.

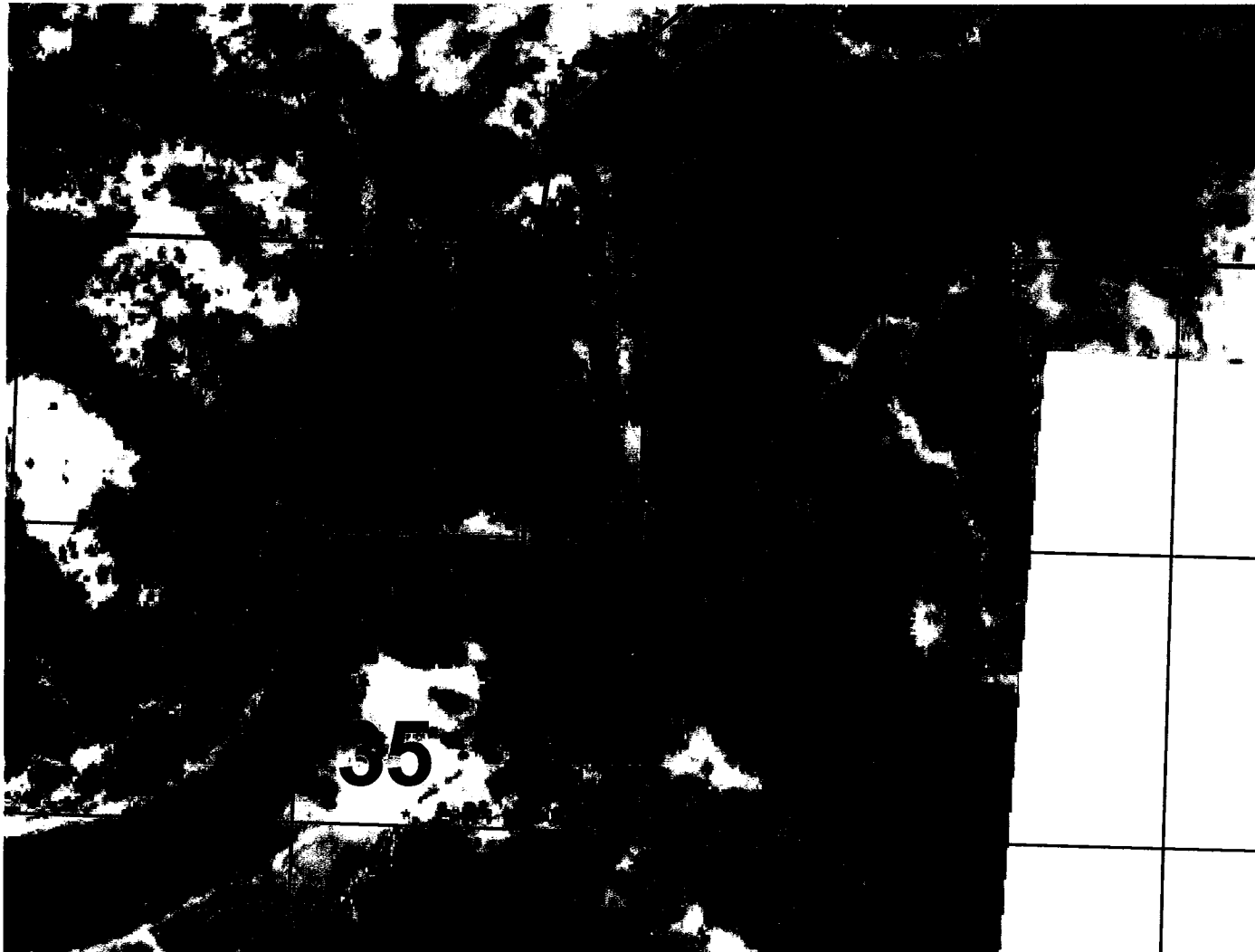
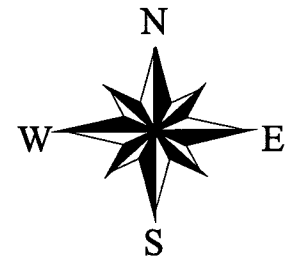
Also access to that certain Water Right located by Williams Stierman claiming the waters of Thorn Creek at a point opposite said Stierman's Ranch in said Boise County, Idaho, notice of location thereof being recorded in Book 2 of Mill Sites and Water Rights at page 127 in the Office of the County Recorder of said Boise County, Idaho.

There is specifically reserved to the grantor, his heirs, assigns or successors, a one-half interest in all mineral and ore deposits contained in or upon the premises in the event the grantees, their heirs or successors in title should ever engage in such mining operations on the property herein conveyed.

Acknowledged this 29th day of May, 1959, before Lillian V. Manning, by John H. J. Pearce, as Trustee. *SEAL*

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-31328

OWNER(S): PERRY, MICHAEL & TAMI

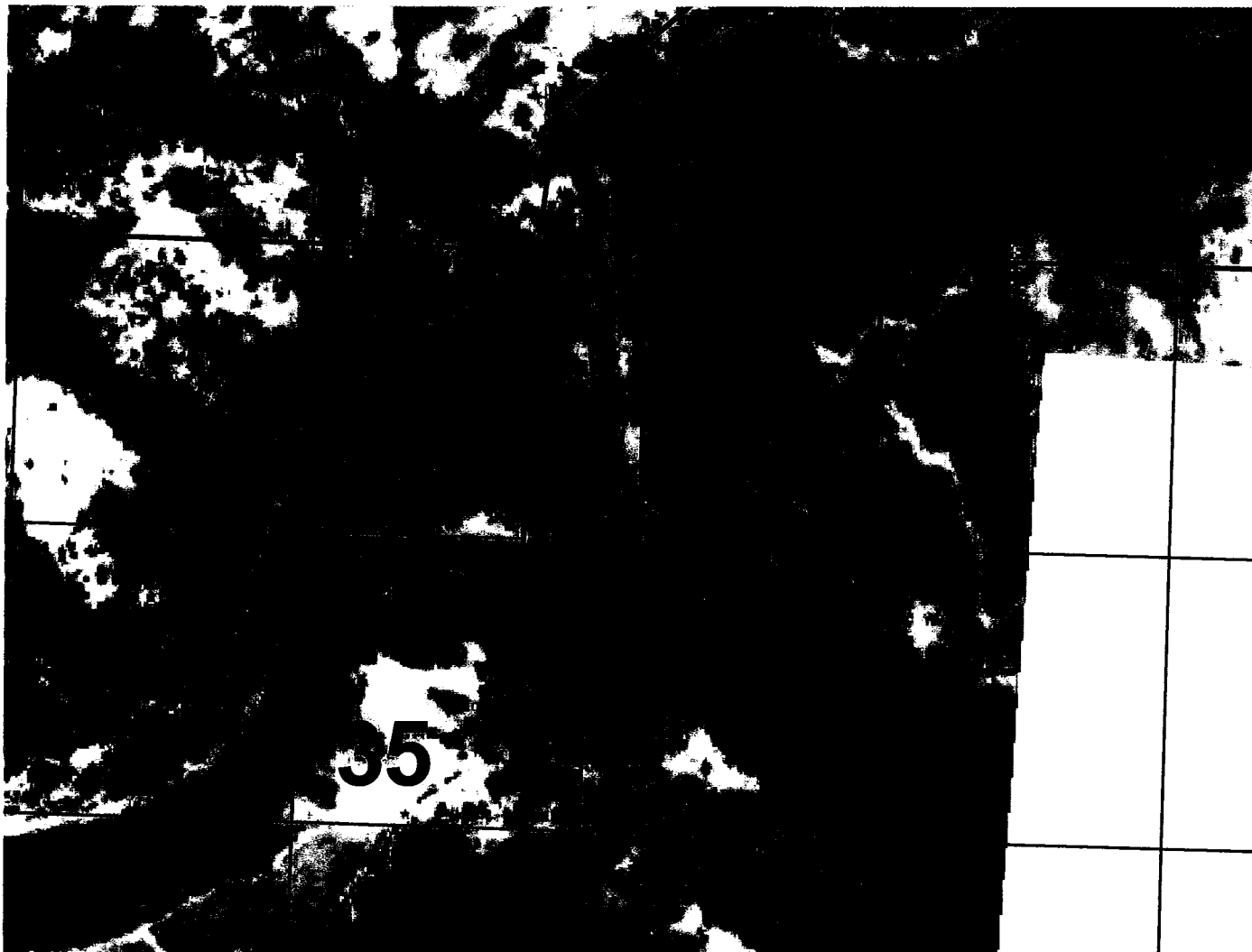
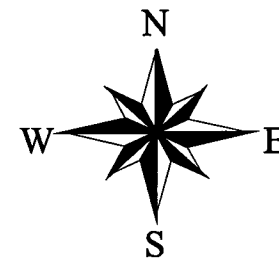
DATE: OCTOBER 25, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T05N, R04E, S35



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 63-31328

OWNER(S): PERRY, MICHAEL & TAMI

DATE: OCTOBER 25, 2001

by: Mel Schulte

0 0.25 0.5 0.75 1 Miles

A63-31328

PHOTOS TAKEN 10/31/2001



PHOTO #1
PART OF POU IN
FRONT OF HOME



PHOTO #2
PART OF POU
LOOKING SW FROM
DRIVEWAY

A63-31328

PHOTOS TAKEN 10/25/2001



PHOTO #3
POINT OF DIVERSION