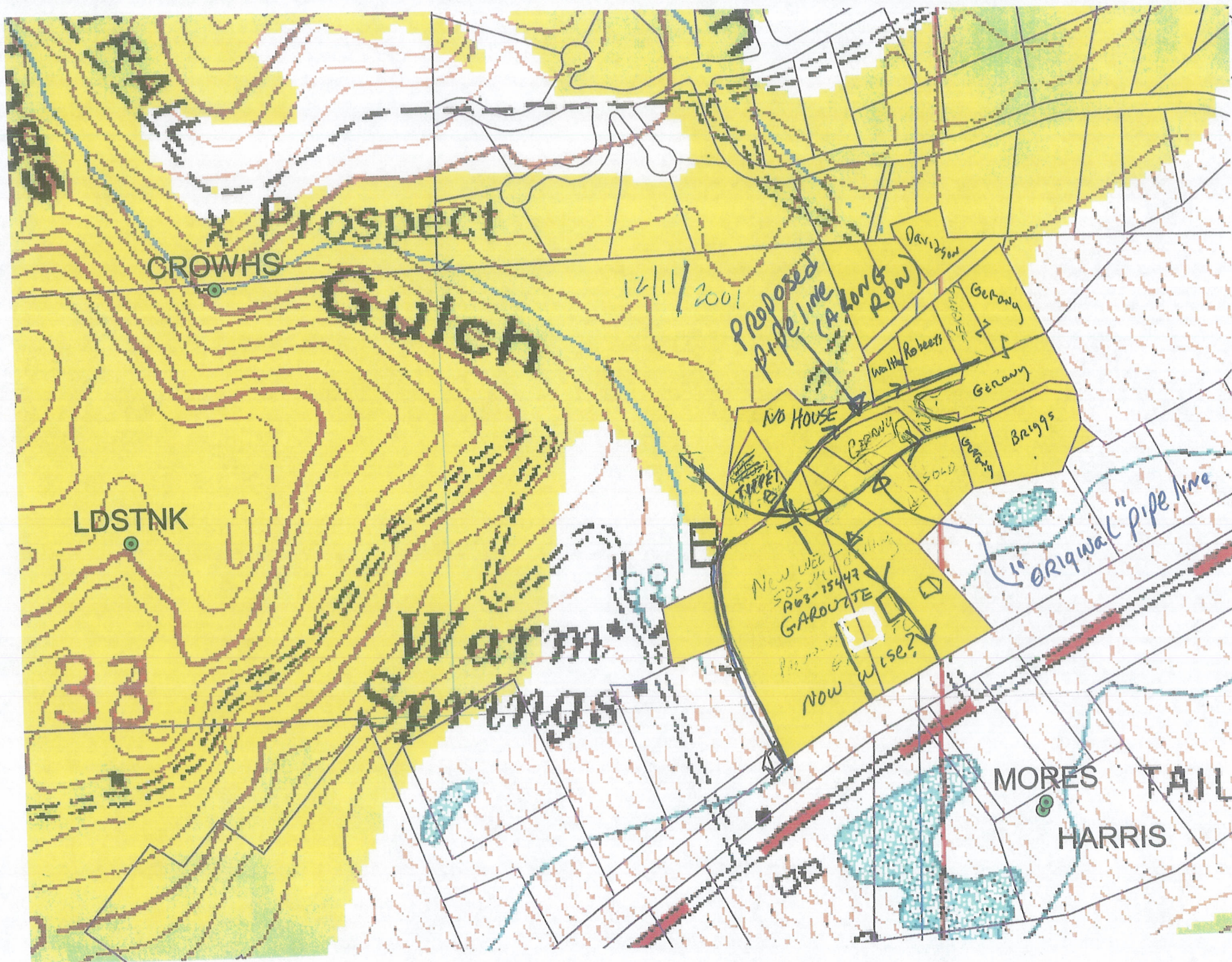
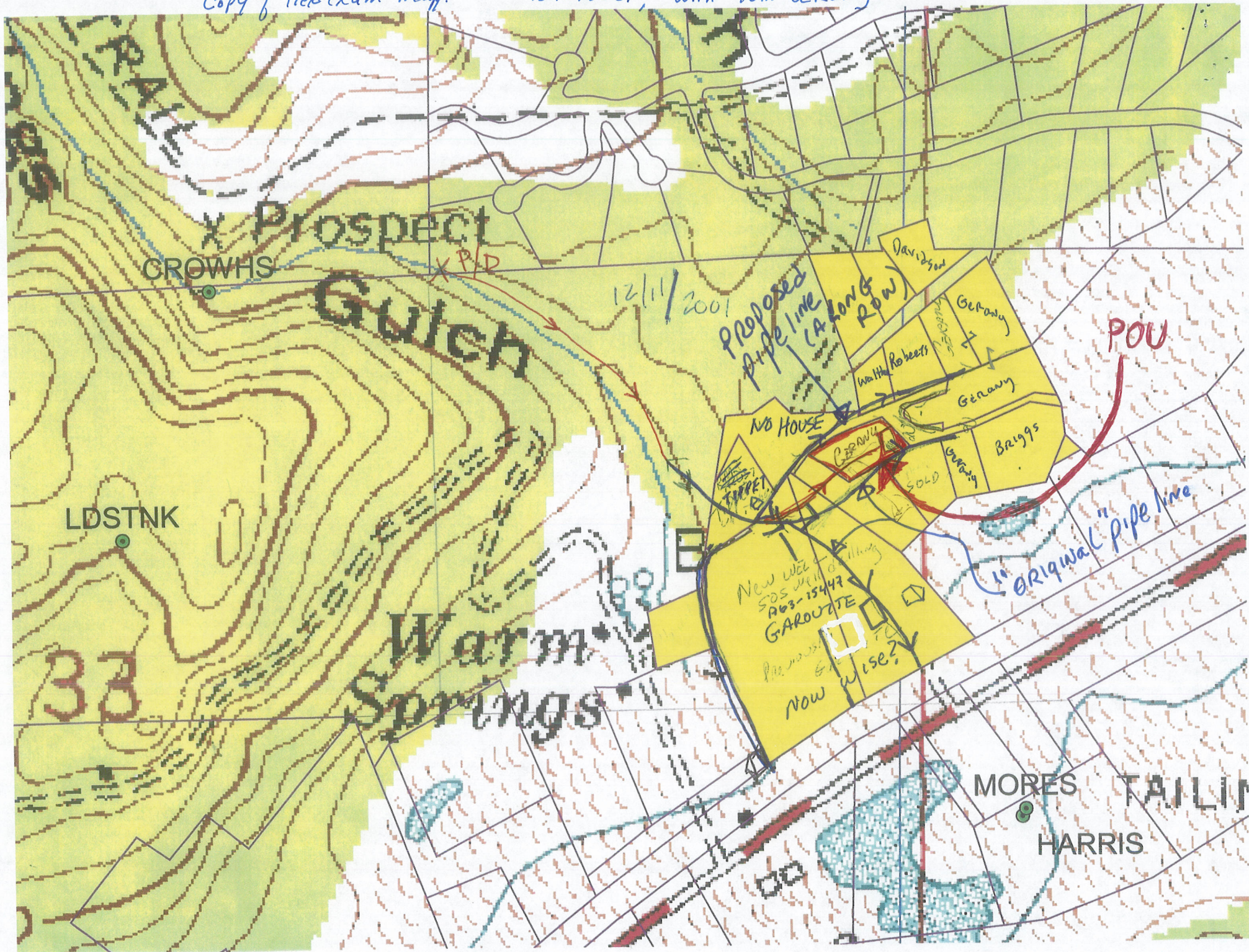




Copy of field exam map.

12/11/2001, with Tom Gerany



GERANY SRBA CLAIM

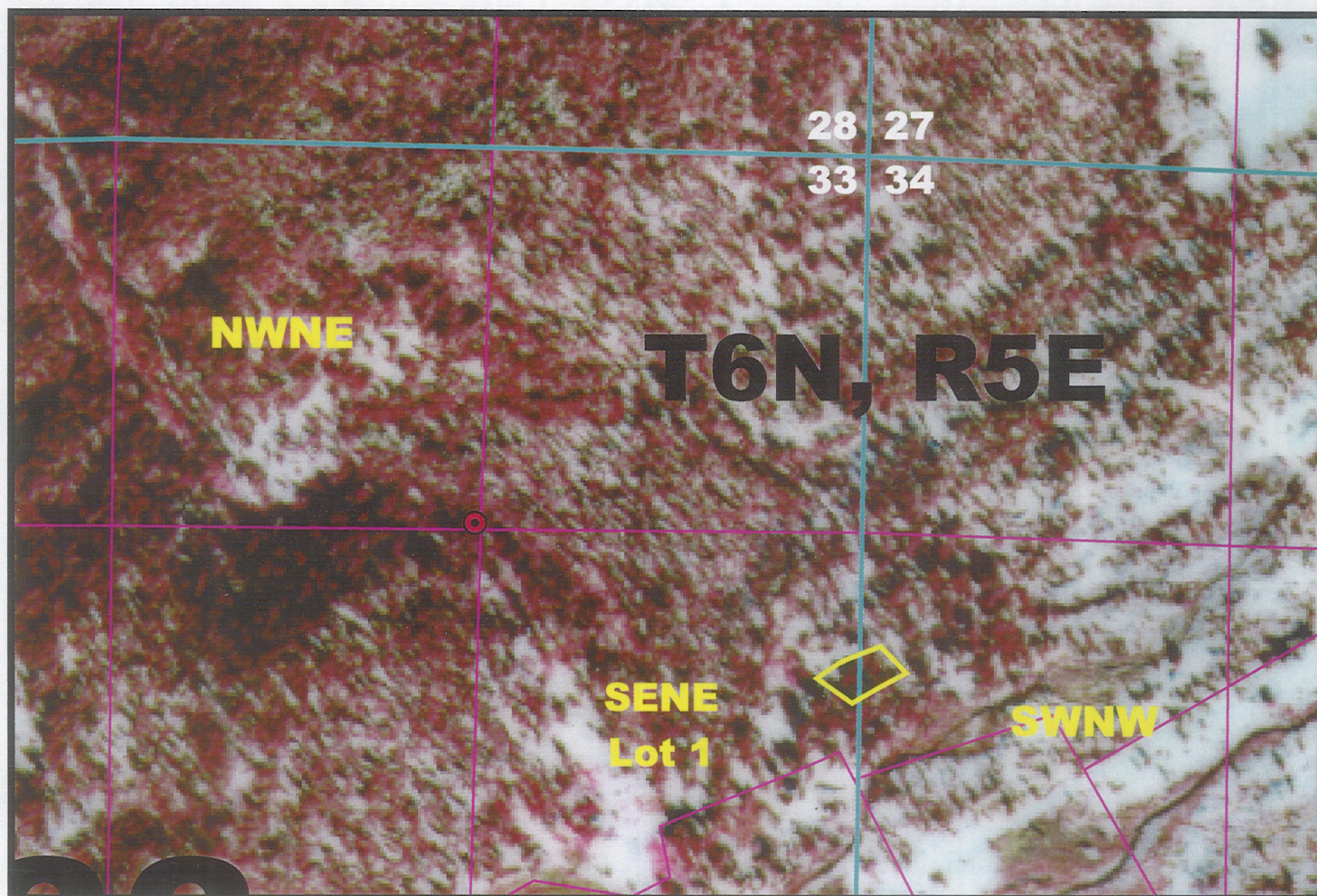
IRR + FIRE PROTECTION



STATE OF IDAHO

Department of Water Resources
Western Region

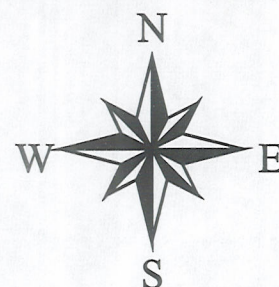
Water Right(s): 63-31388



1320 0 1320 2640 Feet

Total Irrigated Acreage: 0.7

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2002



new Easment



Looking West

5/23/02



Claimants Shop. Spicket Behind me in
Picture

5/23/02



Looking East

5-23-02



P00 - 5-23-02



5/23/02



5/23/02



5/23/02

POA



5/23/02

33 34

Prospect

Gulch

SENE
Lot 1

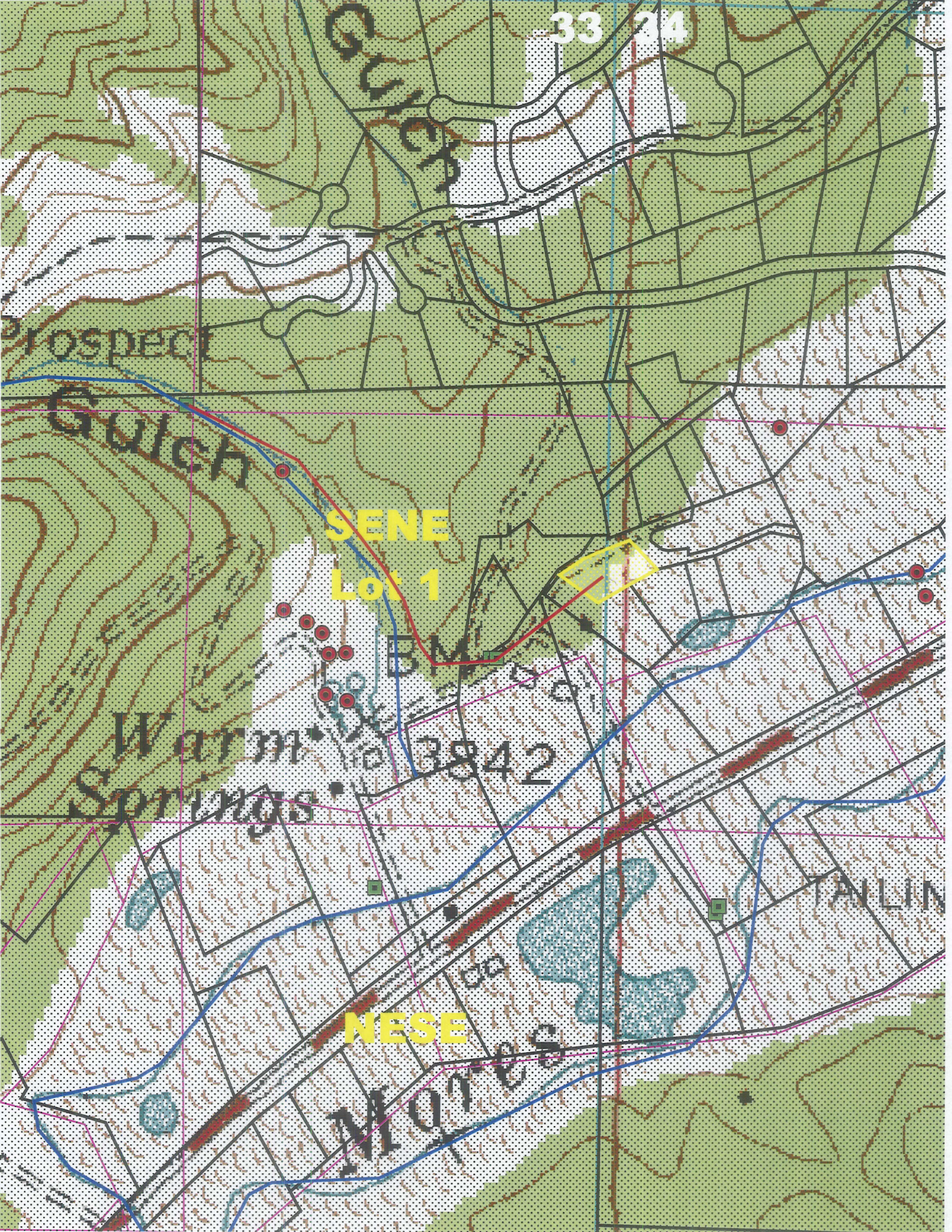
BM 3842

Warm Springs

TALLIN

NESE

Motes



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 63-31388
Date Received: 1/8/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

YVONNE GERANY Phone: (208)342-7277

4617 W ROSE HILL ST
BOISE ID USA 83705-1303

TOM GERANY Phone: (208)342-7277

4617 W ROSE HILL ST
BOISE ID USA 83705-1303

2. Date of Priority: 12/31/1935

3. Source: WARM SPRINGS GULCH Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	33	NE NE	BOISE	

5. Description of diverting works:

Pipe 4" to a water tank. 4" water line out of tank to carry water to lower land owners.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	0.02	
FIRE PROTECTION		01/01	12/31 0.06	

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
06N	05E	33	SE	NE	IRRIGATION	0.5
			SE	NE	FIRE PROTECTION	
					Section Acres	0.5
06N	05E	34	SW	NW	IRRIGATION	0.5
			SW	NW	FIRE PROTECTION	
					Section Acres	0.5
					Total Acres	1

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 WATER WAS USED BY MILES & BETTY YOUNG AND GLEN ROADS WHO SOLD THIS PROPERTY TO BILLY TIDWELL AND SOLD IT TO ME. AT THAT TIME THE WATER WAS USED FOR IRRIGATION AND SHOP WATER.
FIRE PROTECTION FOR HOME PROPERTY, SHOP, AND OUTBUILDING.

CLAIM AMENDED TO CHANGE PRIORITY DATE TO MATCH OTHER USERS ON THE SAME SYSTEM.

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): *[Signature]* Date: 5-17-02
_____ Date: _____

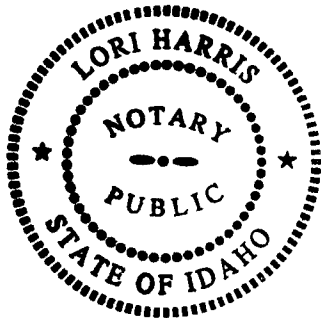
State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 17th
of May 2002 *Lori Harris*

Notary Public

Residing at Boise, Idaho

My commission Expires 12-8-06



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 63-31388
Date Received: 1/8/2002
Receipt No: W028613
Received By:

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

1. Name of Claimant(s)

YVONNE GERANY Phone: (208)342-7277
4617 W ROSE HILL ST
BOISE ID USA 83705-1303

TOM GERANY Phone: (208)342-7277
4617 W ROSE HILL ST
BOISE ID USA 83705-1303

2. Date of Priority: 08/17/1960

3. Source: WARM SPRINGS GULCH Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	05E	33	NE NE	BOISE	

5. Description of diverting works:

Pipe 4" to a water tank. 4" water line out of tank to carry water to lower land owners.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	0.02	
FIRE PROTECTION	01/01	12/31	0.06	

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
06N	05E	33	SE	NE	IRRIGATION	0.5
			SE	NE	FIRE PROTECTION	
					Section Acres	0.5
06N	05E	34	SW	NW	IRRIGATION	0.5
			SW	NW	FIRE PROTECTION	
					Section Acres	0.5
					Total Acres	1

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 WATER WAS USED BY MILES & BETTY YOUNG AND GLEN ROADS WHO SOLD THIS PROPERTY TO BILLY TIDWELL AND SOLD IT TO ME. AT THAT TIME THE WATER WAS USED FOR IRRIGATION AND SHOP WATER.
FIRE PROTECTION FOR HOME PROPERTY, SHOP, AND OUTBUILDING.

15. Basis of Claim: Beneficial Use

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

H103-31388

Date Received

1/8/02

Receipt Number

W028613

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) TOM OR YVONNE GERARDY Phone (208) 342-7277
Mailing Address 4617 W. ROSE HILL ST. BOISE, ID Zip 83705-1303
2. Date of Priority (Only one (1) per claim) AUGUST 17, 1960
3. Source of water supply (a) WARM SPRINGS CULCH
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 6N Range 5E Section 33,
1/4 1/4 of N/E 1/4 of N/E 1/4, Govt. Lot, _____ B.M., County of BOISE

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

PIPE 4" TO A WATER TANK 4"
WATER LINE OUT OF TANK TO CARRY WATER TO LOWER LAND OWNERS

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from April to Oct 1st amount .02 or _____

For FIRE purposes from Year Round amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .08 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>5E</u>	<u>33</u>				<u>I.F.</u>													<u>1/2</u>
		<u>34</u>							<u>I.F.</u>										<u>1/2</u>

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? BOISE

12. Do you own the property listed above as place of use? Yes _____ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
FIRE PROTECTION FOR HOME, GARAGE, SHOP AND CAR BUILDING or None (X)

14. Remarks: THE WATER WAS USED BY MRS BETTY YOUNG AND GLEN ROOD
WHO SOLD HIS PROPERTY TO BILLY ADWELL AND SOLD IT TO ME.
AT THAT TIME ~~WAS~~ THE WATER WAS USED FOR IRRIGATION
AND SHOP WATER.

Last Name GERARDY Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Thomas A. Gandy Date 1-8-02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn to (or affirmed) before me this 8th day of JANUARY 2002



Notary Public Mable Micucci

Residing at Boise, Idaho

My Commission Expires 06/25/2005

Please Print Name

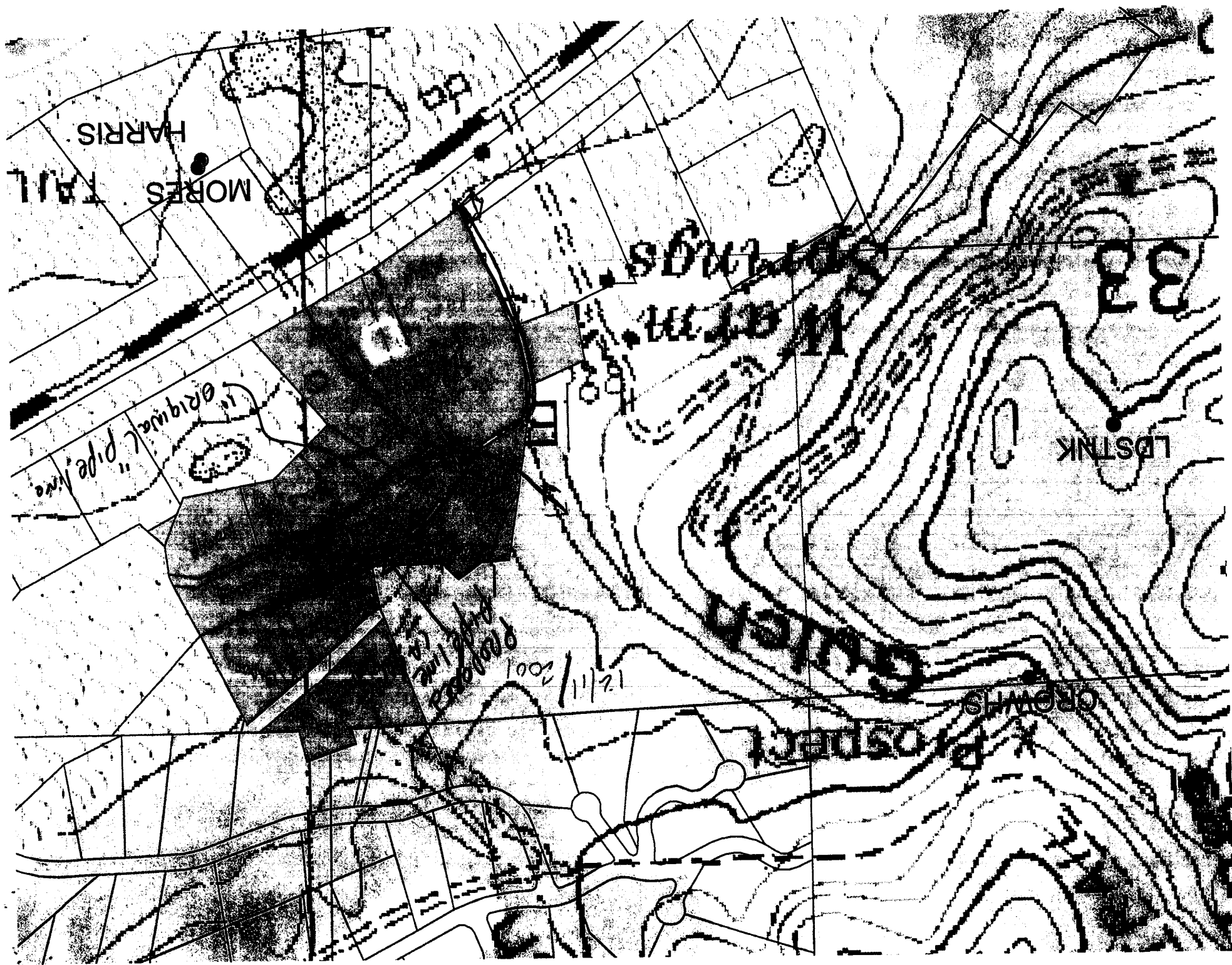
17. Notice of Appearance
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

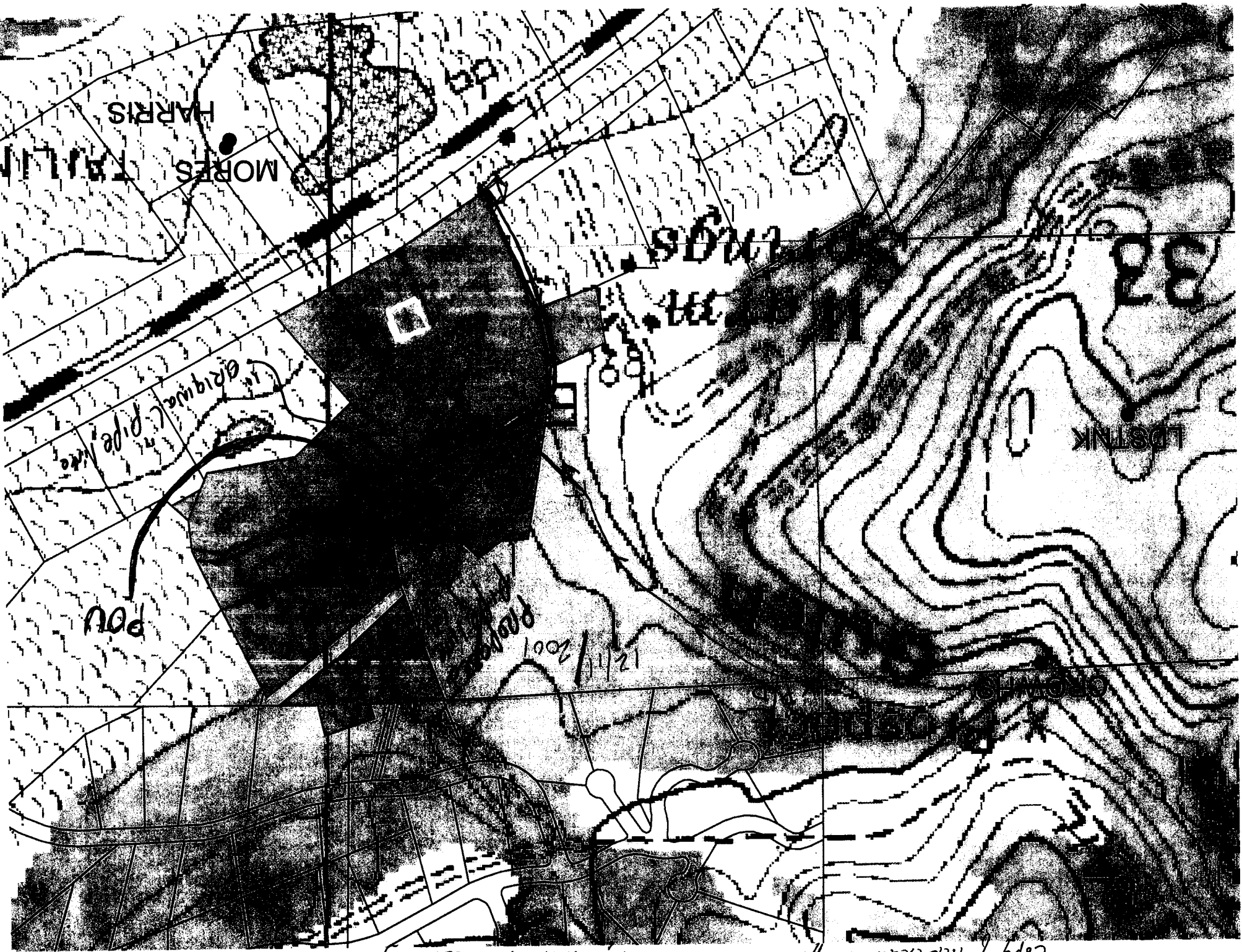
Signature _____

Address _____

Date _____

Last Name GERARDY Ident. Number _____





GERMANY

SRBA CLAIM

IRR + FIRE PROTECTION

Copy 7 field exam map.

12/11/2001 WTT Tom Germany

08/09/2002

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

RIGHT NUMBER: 63-31388

NAME AND ADDRESS: TOM GERANY
4617 W ROSE HILL ST
BOISE ID 83705-1303

YVONNE GERANY
4617 W ROSE HILL ST
BOISE ID 83705-1303

SOURCE: WARM SPRINGS GULCH

TRIBUTARY: ELK CREEK

QUANTITY: 0.08 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T06N R05E S33 SENWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS
FIRE PROTECTION	01/01 12/31	0.060 CFS

PLACE OF USE: IRRIGATION Within BOISE County

T06N R05E S33	SENE	0.3	T06N R05E S34	SWNW	0.4
---------------	------	-----	---------------	------	-----

FIRE PROTECTION Within BOISE County

T06N R05E S33	SENE	T06N R05E S34	SWNW
---------------	------	---------------	------

0.7 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31388 V1

WATER RIGHT NUMBER: 63-31388 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM GERANY 4617 W ROSE HILL ST BOISE, ID 83705-1303 (208)342-7277
Current Owner	YVONNE GERANY 4617 W ROSE HILL ST BOISE, ID 83705-1303 (208)342-7277

Priority Date: 04/01/1970

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS GULCH	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.020 CFS	
FIRE PROTECTION	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

WARM SPRINGS GULCH	SE1/4NW1/4NE1/4	Sec. 33, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of UseIRRIGATION Within BOISE County

T06N R05E S33 SENE 0.3 T06N R05E S34 SWNW 0.4

Total Acres: 0.7

FIRE PROTECTION Within BOISE County

T06N R05E S33 SENE T06N R05E S34 SWNW

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31388 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/13/2002 1:34:26 PM	csaxton			Active
POD	6/13/2002 1:34:47 PM	csaxton			Active
Source	6/13/2002 1:46:03 PM	csaxton			Active
POU	6/13/2002 1:46:52 PM	csaxton			Active
Use	6/13/2002 1:48:35 PM	csaxton			Active
Season	6/13/2002 1:49:41 PM	csaxton			Active
Quantity	6/13/2002 1:50:55 PM	csaxton			Active
Summary			06/13/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	6/13/2002 9:29:36 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Met with claimant on 5/17/02
Priority Date	6/13/2002 1:34:26 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31388 V1

POD	6/13/2002 1:34:47 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	6/13/2002 1:40:17 PM	csaxton	Edited point location
Source	6/13/2002 1:46:03 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam 5/23/02
POU	6/13/2002 1:46:53 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 5/23/02
POU	6/13/2002 1:47:32 PM	csaxton	Edited shape boundary
POU	6/13/2002 1:47:49 PM	csaxton	Edited PLS
Use	6/13/2002 1:48:35 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 5/23/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31388 V1

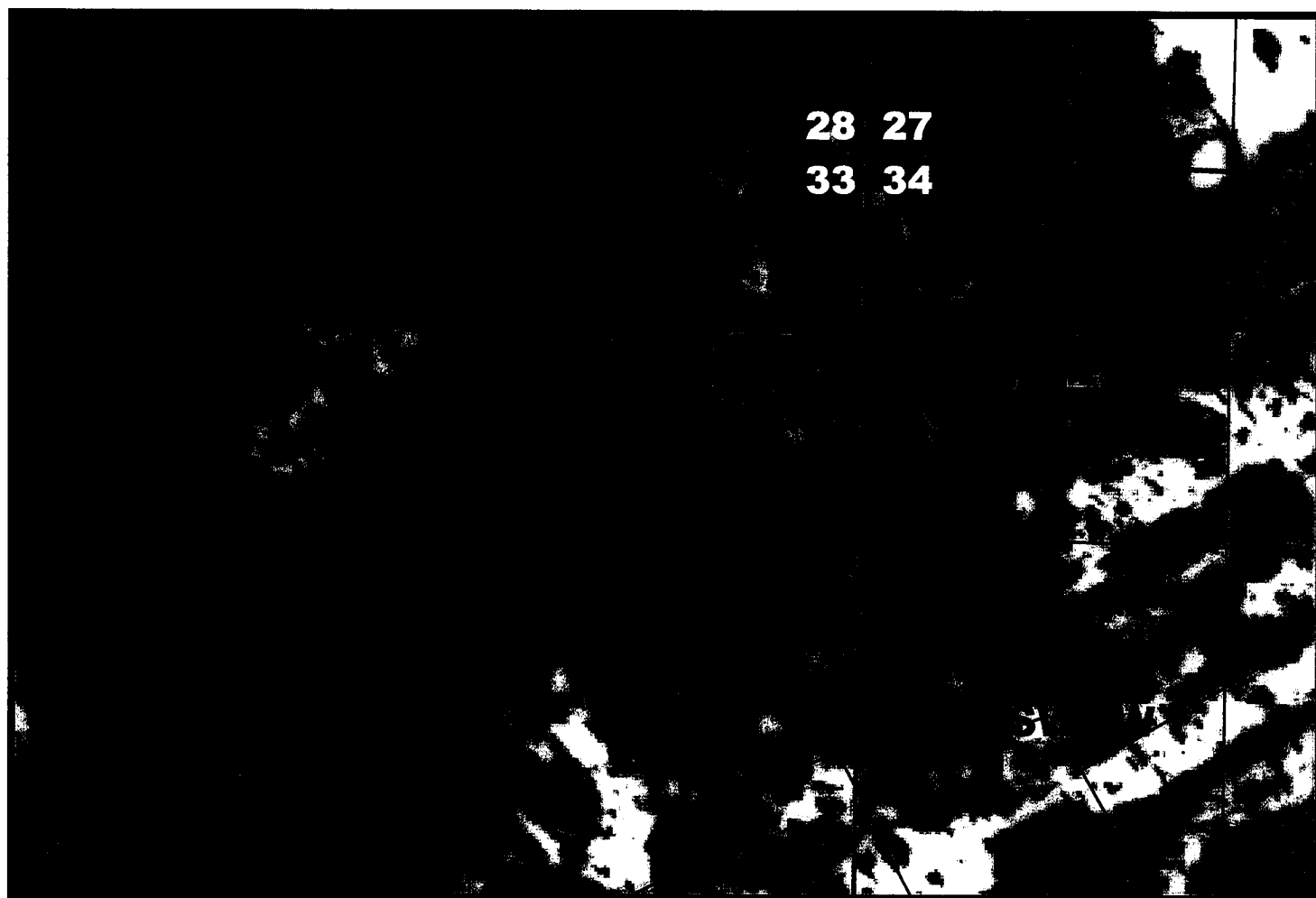
Season	6/13/2002 1:49:42 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	6/13/2002 1:50:55 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill - claims for 0.20 or less do not require measurement.
Summary	6/13/2002 1:52:39 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Western Region

Water Right(s): 63-31388



1320 0 1320 2640 Feet

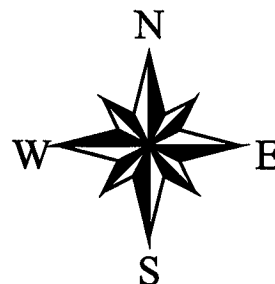
Total Irrigated Acreage: 0.7

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: June 2002

June 12, 2002

Craig Saxton 334-2190
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

FAX 334-2348

RE: Civil case number 39576 / Ident. Number 63-31388

Dear Craig,

Per your request, this is a statement of what I remember as a child concerning our water use in Idaho City, Warm Springs Gulch area.

At the approximate age of 10 years old (1965) we used to draw water from the free water stand pipe into containers to take to the "family cabin" because we had no running water into that cabin at that time. Miles Young was kind enough to let us use as much water as we needed.

The water use was for both domestic use and fire protection. I remember having to haul water from as early as age 10 until we had running water into the cabin in approximately 1970. We still continued to use water for fire protection as well as to water property to provide additional water to plants and trees as needed in the Warm Springs Gulch area.

After 1970 we would continue to use the water provided by Miles Young because our cabin only had running water during the spring and summer months (after the winter thaw). Our cabin required that the water lines be drained and winterized for the winter season which is approximately 8 months long.

If there is any more information you need from me, please call. I do apologize for being so slow in getting this to you as my uncle has been gravely ill lately and he has consumed a great deal of my time.

Sincerely,

Thomas A. Gerany
4617 West Rose Hill Street
Boise, Idaho 83705-1303
208-342-7277

4-26-02 : Based on beneficial use

: Need Evidence of Priority

: No other WR's

: Called Claimant and left message to have them call me back.

: Looks like Maria GPS'd POD

: POB indicated by Maria's FE map is on a parcel not labeled in Tarkot Data. Thus, I can't confirm ownership of property.

- claimant called
5-1-02 : Steamboat Springs - Tore out Water lines 1996-2000
L

50' Right away

- Jim + Jane Rothage

Tippits - now owners.

He will call me when he gets back on Thursday May 9th, to set up an inoffice meeting

5/19/02 : Source Locally known as Warm Springs Creek meeting

: Claimant showed me video tape showing Pipeline System. This matches Maria's FE Map, could see mainline and Faucets for irrigation hoses

Later on
5/17/02 : Called and left a message with Tom that I needed a copy of the Court case that took place thus preventing the use of the Water since 1996 - and that I needed to go to the Field to take Pictures.

5/22/02 : Called and left another message

5/22/02 : Old style Shop with a bear trap - Blue or Red Anti Feces Faucets

- Tree Down

- 50' part wooden ~~tree~~ fence

- Right hand side part Shop is all Tom's P

6/11/02 : called Tom to remind him that I need Evidence of Priority Letter. 10:00 AM



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

December 17, 2001

Tom Gerany
PO Box 1382
Boise ID 83701

Dear Mr. Gerany,

The purpose of this letter is to inform you about the options you have in filing claims to water rights in the Snake River Basin Adjudication (SRBA.) Please read this letter carefully, as it contains important details regarding your potential water right claim.

When we met on December 11, 2001, near Idaho City, you indicated that your property is served by a water line from Warm Springs Gulch. As we discussed, there is a water right license for the use of Warm Spring Gulch water at the property formerly owned by Elizabeth and Miles Young. This license has a priority date of August 17, 1960. The license was issued for .30 cubic feet per second (cfs) for domestic use, irrigation of one lawn, and fire protection. It is unclear from the license file how many domestic uses (homes) are covered by the license.

At this time you have two options for the type of claim to file in the SRBA: One option is to file a claim on a portion of the water right originally licensed to Miles Young. The other option is to file a "beneficial use" claim that would be based on the historical use of the water at your property.

If you chose to file on a portion of the license, your portion of the water right would be limited to fire protection (since nothing in the department's license file shows the existence of your home.) You can file this as a "de minimus" use, in which the water use would be described as "domestic", and explained in the Remarks section as fire protection. A de minimus water right is limited to 13,000 gallons per day. "De minimus" claims are filed using the short (green) form; the filing fee is \$25.00.

You also have the option of filing a claim based on the license by using the long form (black and white.) This would allow you to claim a Purpose of Use of fire protection. Please see the enclosed instruction booklet for the appropriate filing fee. If you choose to file a claim other than a de minimus claim, you will be required to pay the \$50 late fee in addition to the normal filing fees.

If you chose to file a "beneficial use" claim, you can claim any use that is supported by historical evidence. The claimed priority date would be the date, supported by evidence that you provide, that the water uses described in the claim were initiated. You can file either "de minimus" claim as described above, or a claim using the long form (in order to claim fire protection as a Purpose of Use.) The filing fees are the same as described above.

Enclosed are claim forms and instructions for both "de minimus" claims and non-de minimus claims (As we discussed during the field exam on December 11, 2001, some of your neighbors may be in a similar situation.) Also enclosed are affidavit forms, a booklet that explains Evidence of Priority, and a report that summarizes the water right license.

I realize that the information in this letter can be confusing and difficult to follow. Please do not hesitate to contact me at this office if you have any questions or need additional assistance. I'd be happy to meet with you, or any of your neighbors, to provide more details of the explanations contained in this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria Minicucci".

Maria Minicucci

Enc: Short Form w/Instructions (3)
Long Form w/Instructions (3)
Affidavit forms (3)
Evidence of Priority pamphlet (1)

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

State of Idaho)
County of BOISE)

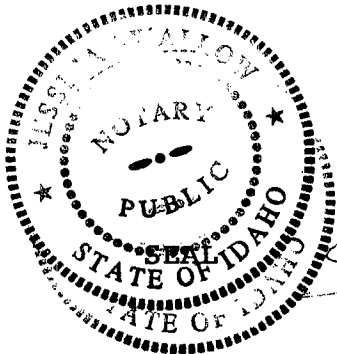
being first duly sworn,

deposes and says: I Billy H. Tidwell owner of
Lot 1875 tax No. 328, at the time this
property was sold in 1994 to
Tom Geramy, there was irrigation and
drinking water for domestic use to the
property from water tank at Warm Springs
Creek located in Warm Springs Gulch.

Billy H. Tidwell

Billy H. Tidwell
(Signature)

Subscribed and sworn to before me this
day 08 of Feb, 19 2002.



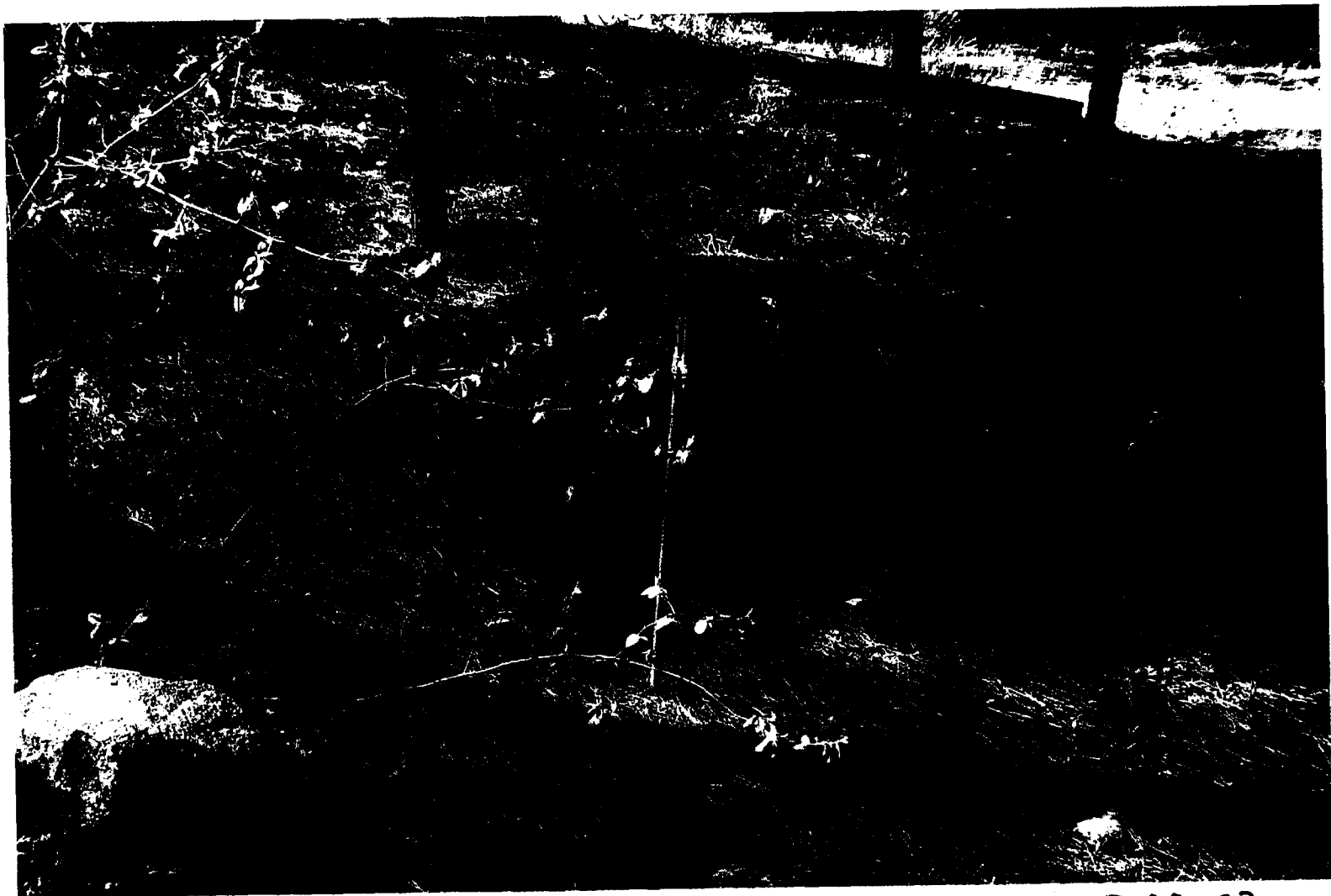
James Walker
(Notary Public)

Residing at Idaho City.

My Commission Expires 032406.



New Fasmen t



Looking SW

5-28-02



Looking West

5/23/02



Claimants Shop. Spicket Behind me in
Picture

5/23/02

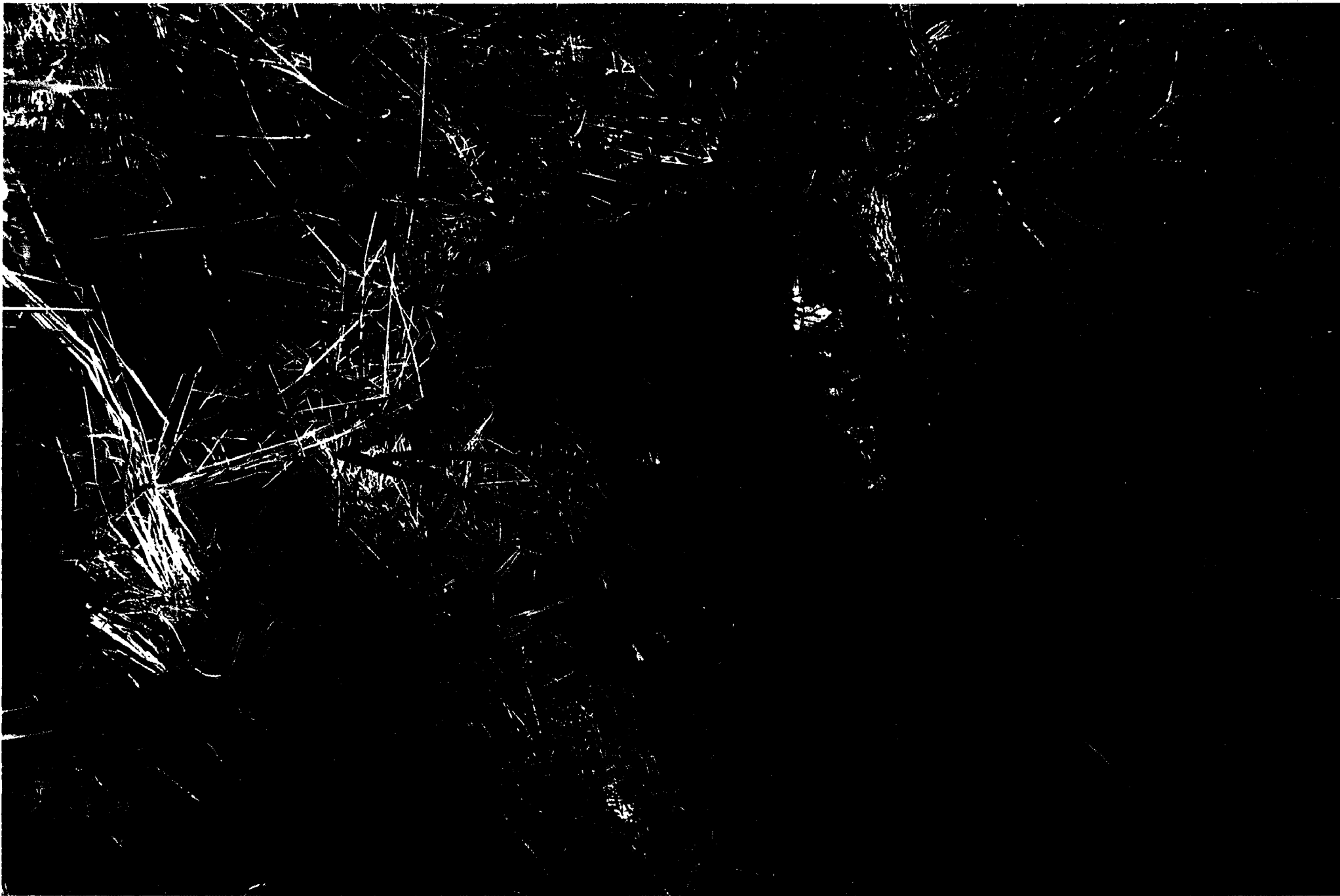


Looking East

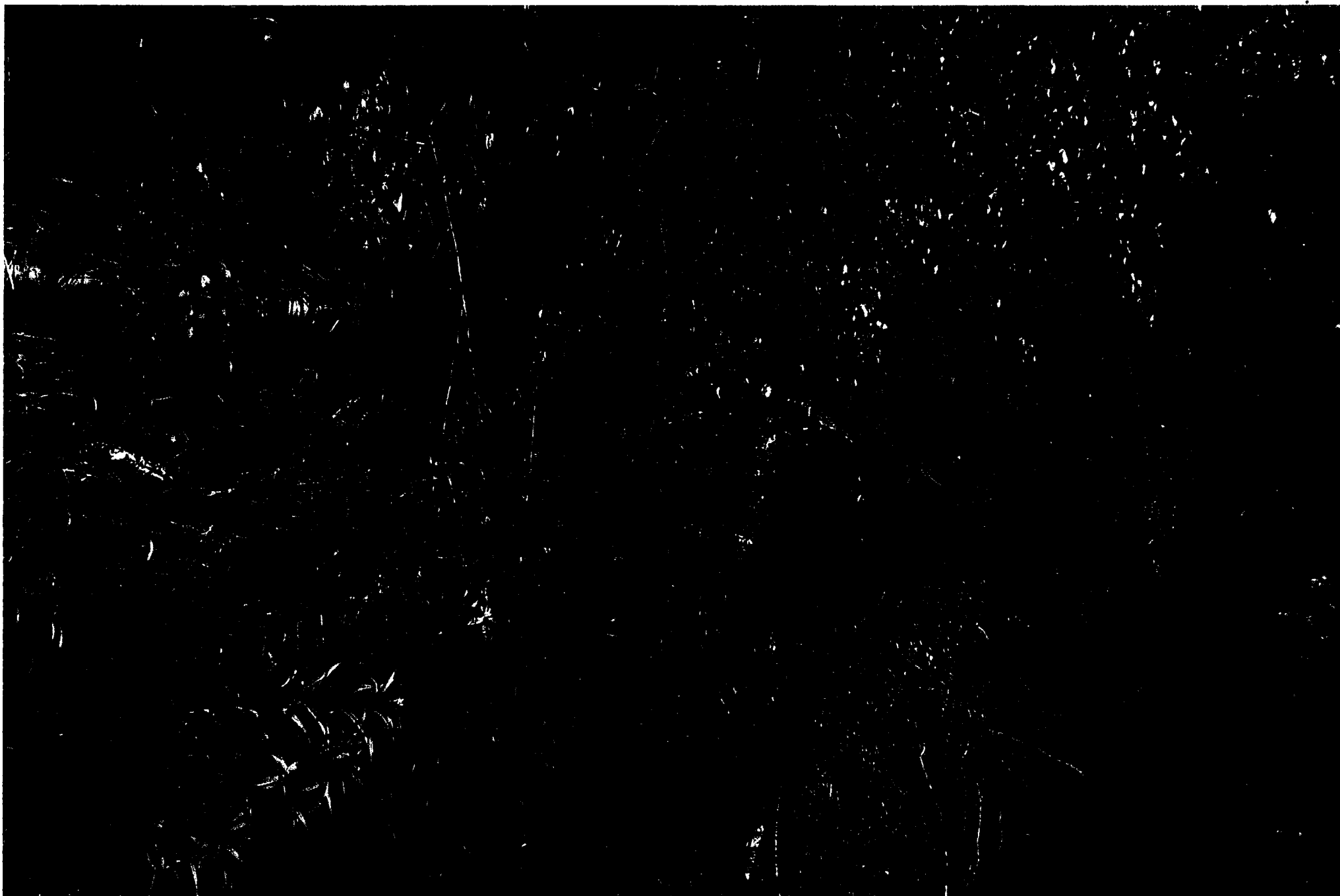
5-23-02



P00 - 5-23-02



5/23/02



5/23/02



5/23/02

POA



5/23/02

33 24

391° 3842

1208

NECE
NOTES

TALIN

EVANS, KEANE LLP

Boise Office

Attorneys at Law

Member, Commercial Law Affiliates
with Independent Firms in
Principal Cities Worldwide

1101 W. River Street, Suite 200
P.O. Box 959
Boise, Idaho 83701-0959

Telephone: (208) 384-1800
Facsimile: (208) 345-3514
E-mail: firm@ekidalaw.com
Website: <http://www.ekidalaw.com>

Bruce C. Jones
bruce@ekidalaw.com

January 16, 2001

Yvonne Gerany
c/o Honorable Terry R. McDaniel
514 W. Jefferson
Boise, Idaho 83702

*Re: Warm Springs Gulch Homeowners Association/
Bridge and Roadway Construction
Our File No. 1089-2*

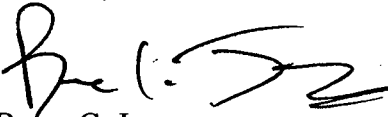
Dear Yvonne:

Please find enclosed a copy of the Judgment and Order Dismissing Action with Prejudice,
recorded as instrument number 179722 in Boise County.

If you have any questions, please do not hesitate to contact our office. Thank you.

Very truly yours,

EVANS, KEANE LLP



Bruce C. Jones

BCJ:ss

Enclosures

cc: Carlyle Briggs w/ encl.

Bruce C. Jones ISB #3177
EVANS, KEANE LLP
1101 W. River Street, Suite 200
P. O. Box 959
Boise, Idaho 83701-0959
Telephone: (208) 384-1800
Facsimile: (208) 345-3514

Attorneys for Plaintiffs

Instrument # 179722
IDAHO CITY, BOISE COUNTY, IDAHO
2001-01-09 01:57:18 No. of Pages: 9
Recorded for : EVANS, KEANE
RORA A. CANODY Fee: 27.00
Ex-Officio Recorder Deputy *George*
Index to: JUDGEMENTS

JAN 11 2001
JAN 2 2001
DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book 4-00 Page 1
Filed DEC 29 2000 No.
By RORA A. CANODY RORA A. CANODY, Clerk
DEPUTY

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

YVONNE GERANY, TOM GERANY, CLINT
MORRIS, EDWARD and LAURIE TIPPETT,
JOHN BLAIR, GRETCHEN STETTE, MARY
JUNE ROETHIG, JOHN ROBERTS,
CARLYLE BRIGGS, and SWAYNE
WALTHER,

Plaintiffs,

vs.

WILLIAM AND KATHY WISE, husband and
wife, AND ALL KNOWN AND UNKNOWN
CLAIMANTS OF CERTAIN REAL
PROPERTY LOCATED IN BOISE COUNTY,
IDAHO,

Defendants.

Case No. CV 9700074

JUDGMENT AND ORDER
DISMISSING ACTION
WITH PREJUDICE

THIS MATTER having come before the court and the parties having agreed to resolve all
differences between them, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

JUDGMENT AND ORDER DISMISSING ACTION WITH PREJUDICE - 1

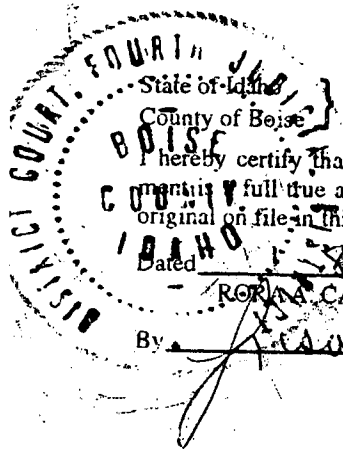
1. Plaintiffs are adjudged to have entitlement to an easement running with the servient estate for ingress and egress across Defendants Wise's real property. The easement for ingress and egress is described as follows:

a 50 foot width right-of-way for the present access road across the described property, or for a relocated and reconstructed access road around the Westerly and Northerly boundary of the described property, for the use of the residents of the area and for use by the public;

2. Each party shall be responsible for his/her own attorney fees and costs; and

3. This action is dismissed with prejudice subject to the judgment set forth in paragraphs 1 and 2, inclusive.

DATED this 27th day of December 2008.



SS.

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

Dated 12/27/08
By ROBERTA CANODY, Clerk

/s/ J. William Hart
J. WILLIAM HART, DISTRICT JUDGE

Bruce C. Jones
Thomas B. Humphrey
EVANS. KEANE LLP
1101 W. River Street, Suite 200
P. O. Box 959
Boise, Idaho 83701-0959
Telephone: (208) 384-1800
Facsimile: (208) 345-3514

Attorneys for Plaintiffs

DISTRICT COURT BOISE COUNTY, IDAHO
Recorded in Book _____ Page _____
Filed JUN 26 1997 No. _____
By PATRICIA KRAEISCH DEPUTY
~~BOB A. CANBY, Clerk~~

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

YVONNE GERANY, TOM GERANY,
JEANN GERANY, CLINT MORRIS,
MARK JOHNSON, JOHN BLAIR,
GRETCHEN SLETTE, MARY JUNE
ROETHIG, JOHN ROBERTS, CARLYLE
BRIGGS, MAXINE BRIGGS and DREE
ENO,

Plaintiffs.

vs.

WILLIAM AND KATHY WISE, husband
and wife, and ALBERT AND BARBARA
PRADO, husband and wife, AND ALL
KNOWN AND UNKNOWN CLAIMANTS
OF CERTAIN REAL PROPERTY
LOCATED IN BOISE COUNTY, IDAHO,

Defendants.

Case No. CV 97-00074

AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL

COMES NOW, the above named plaintiffs, by and through their counsel of record,
Evans, Keane, LLP and complain of the above named defendants, and each of them, and allege
as follows:

I.

PARTIES

1. Plaintiffs own certain real property located in Boise County, Idaho, located at Warm Springs Gulch area.

2. Defendants Bill and Kathy Wise, husband and wife, own certain property adjoining or nearby plaintiffs' property located in Boise County, Idaho.

3. Defendant Albert and Barbara Prado, husband and wife, are tenants occupying property owned by the Wise Defendants.

II.

JURISDICTION AND VENUE

4. Jurisdiction is proper in Boise County.

5. The amount in controversy exceeds the jurisdictional minimum of this court.

III.

ALLEGATIONS COMMON TO ALL CLAIMS

6. The Plaintiffs, and their predecessors in interest, have continuously used an easement over the property of the Defendants Bill and Kathy Wise and their predecessors in interest for more than five (5) years. Since the 1960s, Plaintiffs and/or their predecessors in interest have used an easement along a portion of the Defendants property (the "Old Easement"). At sometime between 1989 and 1993, Defendants' predecessor in interest constructed a second easement (the "Additional Easement") by constructing a road and installing a culvert on another section of the property. Plaintiffs used this Additional Easement, although not exclusively, at the request of the Defendants. The Additional Easement was constructed without the consent or participation of Plaintiffs. The easement is more particularly described in Exhibit A which

is incorporated by reference. Plaintiffs allege upon information and belief that Plaintiffs have been granted other easements by the Wises' predecessors in interest that are reflected in the deeds transferring title to Plaintiffs.

7. In March, 1997, Defendants removed and destroyed the culvert of the Additional Easement without notice to Plaintiffs. Defendants were without any legal authority, including any authority granted under that certain Emergency Waiver to Alter a Stream Channel dated March 27, 1997 (the "Permit") when they intentionally invaded and interfered with the rights and property of the Plaintiffs by destroying and removing the culvert. The Permit specifically stated that it "did not grant a waiver of responsibility for damage to property of others due to the work done." Removal of the culvert has made the Additional Easement inaccessible. Moreover, a recent survey indicates that the road constituting the "Additional Easement" was improperly located so that it cannot be properly reconstructed without intruding on the adjoining property.

8. Defendants have objected to Plaintiffs using the Old Easement. Defendants have gated the Old Easement and have threatened to charge Plaintiffs with trespass and seek the arrest of any Plaintiff who uses the Old Easement.

9. Plaintiffs have been injured and will be irreparably harmed by Defendants' removal of the culvert because the Additional Easement is now inaccessible and the Defendants continue to threaten Plaintiffs if they use the Old Easement. If the Plaintiffs are not able to use a right-of-way across Defendants' real property, Plaintiffs will have no legal access to their homes and real property.

IV

QUIET TITLE

10. Plaintiffs reallege each and every preceding allegation as if set forth fully herein.

11. Defendants have asserted interests which are inconsistent with Plaintiffs right-of-use of an easement for ingress and egress to the Plaintiffs real property. Defendants have no right, title or interest in the easement except those rights consistent with that of a servient estate.

12. Plaintiffs seek to quiet title to the right-of-way and/or easement as set forth and more particularly described in Exhibit A, or according to a survey fixing the precise location of the Old Easement and/or the Additional Easement.

V

INJUNCTIVE RELIEF

13. Plaintiffs reallege each and every preceding allegation as if set forth fully herein.

14. By removing the culvert and prohibiting Plaintiffs from using the Old Easement, the Defendants Bill and Kathy Wise and Albert and Barbara Prado have unreasonably interfered with Plaintiffs right of use and access as set forth in Exhibit A.

15. The Defendants should be preliminarily and permanently enjoined from preventing Plaintiffs from accessing their property and from asserting any interest contrary to the right of use set forth in Exhibit A.

VI

INTENTIONAL DESTRUCTION OF PROPERTY/CONVERSION

16. Plaintiffs reallege each and every preceding allegation as if set forth fully herein.

17. Because Defendants have claimed that the culvert is the property of the Plaintiffs, Plaintiffs plead the following allegations in the alternative.

18. Defendants were without any legal authority when they intentionally invaded and interfered with the rights and property of the Plaintiffs by destroying and removing the culvert.

19. Plaintiffs have suffered damages as a result of Defendant's intentional destruction and interference with Plaintiffs' property, the exact amount shall be proven at trial.

VII

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury for all claims triable by jury.

WHEREFORE. Plaintiffs pray that judgment be entered as follows:

1. Plaintiffs are the owners of an easement across the real property of defendants and the Defendants, and each of them, have no estate, right, title or interest in any nature whatsoever in or to an easement across the property.
2. Defendants, and each of them are forever enjoined in asserting any right or title or claim or interest of any kind or nature whatsoever in and to the easement and real property more particularly described in Exhibit A.
3. Plaintiffs are entitled to damages for the destruction of property, the exact amount shall be proven at trial.
4. Plaintiffs recover their costs and attorney fees herein.
5. For such other and further relief as this court may deem just and proper in these premises.

DATED this 25TH day of June, 1997.

EVANS, KEANE LLP

By Bruce C. Jones
Bruce C. Jones, Of the Firm
Attorneys for Plaintiffs

EXHIBIT 'A'

A PORTION OF SECTION 33 AND 34, TOWNSHIP 5 NORTH, RANGE 3 EAST, BOISE MERIDIAN, BEING A PORTION OF BADGER AND BOSTON PLACER CLAIM, U.S. MINERAL SURVEY 1483, BOISE COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER ALUMINUM CAP COMMON TO SECTIONS 27, 28, 33 AND 34, TOWNSHIP 6 NORTH, RANGE 3 EAST, BOISE MERIDIAN;

THENCE SOUTH 00 DEGREE 43'05" EAST, A DISTANCE OF 1255.45 FEET TO A 1/16 SECTION CORNER ALUMINUM CAP;

THENCE SOUTH 00 DEGREE 15'21" WEST, A DISTANCE OF 942.54 FEET TO AN IRON PIN ON THE LINE BETWEEN SAID SECTIONS 33 AND 34, WHICH IRON PIN LIES

NORTH 00 DEGREE 15'21" EAST, 579.50 FEET FROM THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS 33 AND 34, AND IS THE REAL POINT OF BEGINNING;

THENCE SOUTH 33 DEGREES 00'28" EAST, A DISTANCE OF 1.52 FEET TO AN IRON PIN;

THENCE SOUTH 58 DEGREES 08'35" EAST, A DISTANCE OF 199.81 FEET TO AN IRON PIN;

THENCE SOUTH 39 DEGREES 19'17" EAST, A DISTANCE OF 331.58 FEET TO AN IRON PIN;

THENCE 763.20 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 7,590.00 FEET, A CENTRAL

ANGLE OF 05 DEGREES 41'11", A TANGENT OF 381.92, AND A LONG CHORD BEARING OF

SOUTH 57 DEGREES 54'06" WEST, A DISTANCE OF 762.89 FEET TO AN IRON PIN;

THENCE NORTH 25 DEGREES 05'27" WEST, A DISTANCE OF 398.49 FEET TO AN IRON PIN;

THENCE NORTH 13 DEGREES 07'30" WEST, A DISTANCE OF 185.17 FEET TO AN IRON PIN, WHICH IS ON

THE NORTHERLY BOUNDARY LINE OF THE BADGER MINING CLAIM BETWEEN CORNER NO. 1 AND

CORNER NO. 2

THENCE NORTH 13 DEGREES 07'30" WEST, A DISTANCE OF 4.22 FEET TO AN OLD EXISTING IRON PIN;

THENCE NORTH 06 DEGREES 58'21" EAST, A DISTANCE OF 135.78 FEET TO AN IRON PIN;

THENCE SOUTH 43 DEGREES 34'15" EAST, A DISTANCE OF 23.10 FEET TO AN IRON PIN;

THENCE NORTH 55 DEGREES 38'24" EAST, A DISTANCE OF 185.78 FEET TO AN IRON PIN;

THENCE NORTH 34 DEGREES 35'12" EAST, A DISTANCE OF 118.00 FEET TO AN IRON PIN;

THENCE NORTH 34 DEGREES 35'12" EAST, A DISTANCE OF 73.34 FEET TO AN IRON PIN;

THENCE SOUTH 55 DEGREES 00'28" EAST, A DISTANCE OF 30.00 FEET TO AN IRON PIN;

THENCE SOUTH 55 DEGREES 00'28" EAST, A DISTANCE OF 218.51 FEET TO THE REAL POINT OF BEGINNING.

~~SECTION 33 AND 34, TOWNSHIP 5 NORTH, RANGE 3 EAST, BOISE MERIDIAN, BEING A PORTION OF BADGER AND BOSTON PLACER CLAIM, U.S. MINERAL SURVEY 1483, BOISE COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

and reserving a 50 foot width right-of-way for the present access road across the described property, or for a relocated and reconstructed access road at the Westerly and Northerly boundary of the described property, for use by the residents of the area and for use by the public.