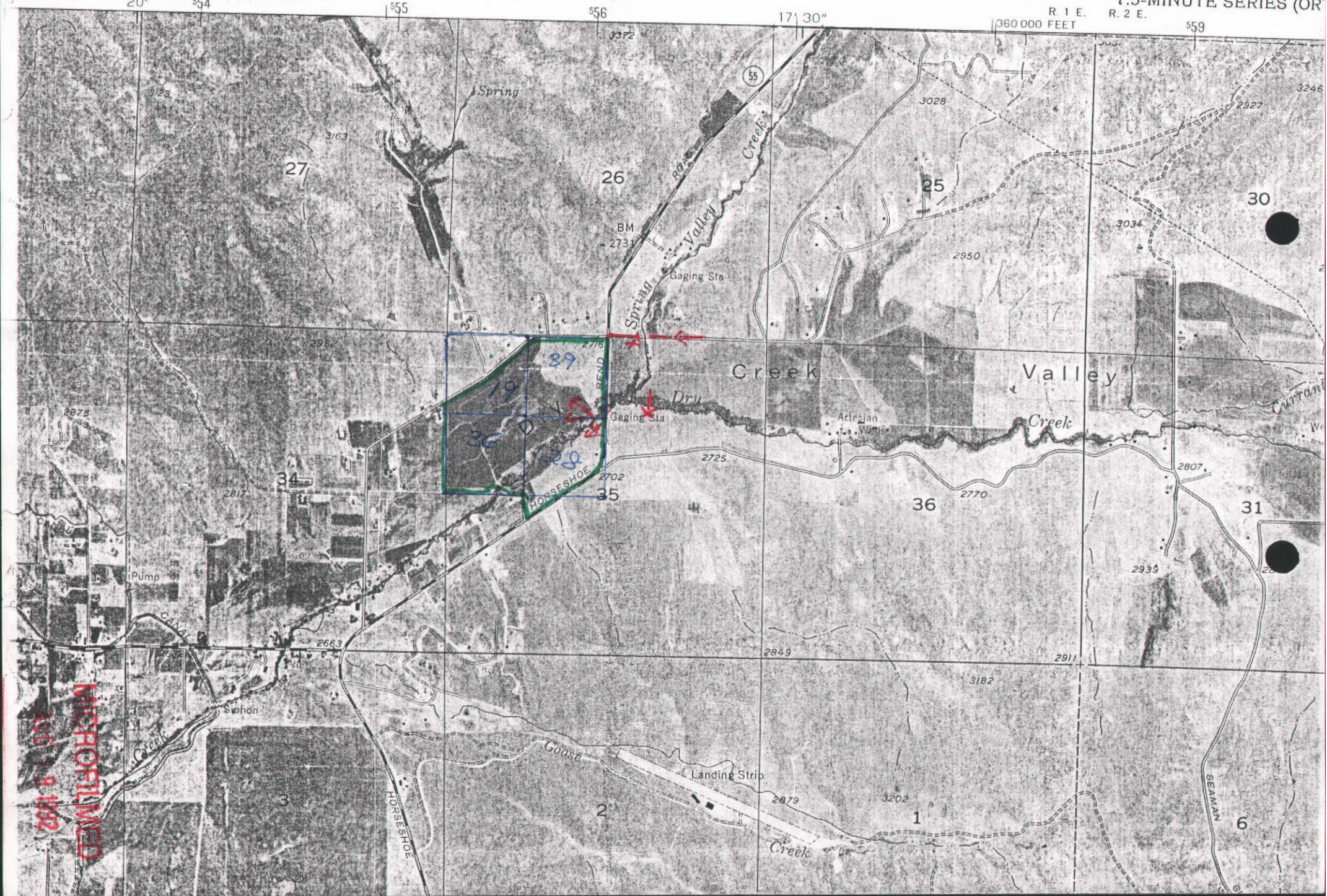


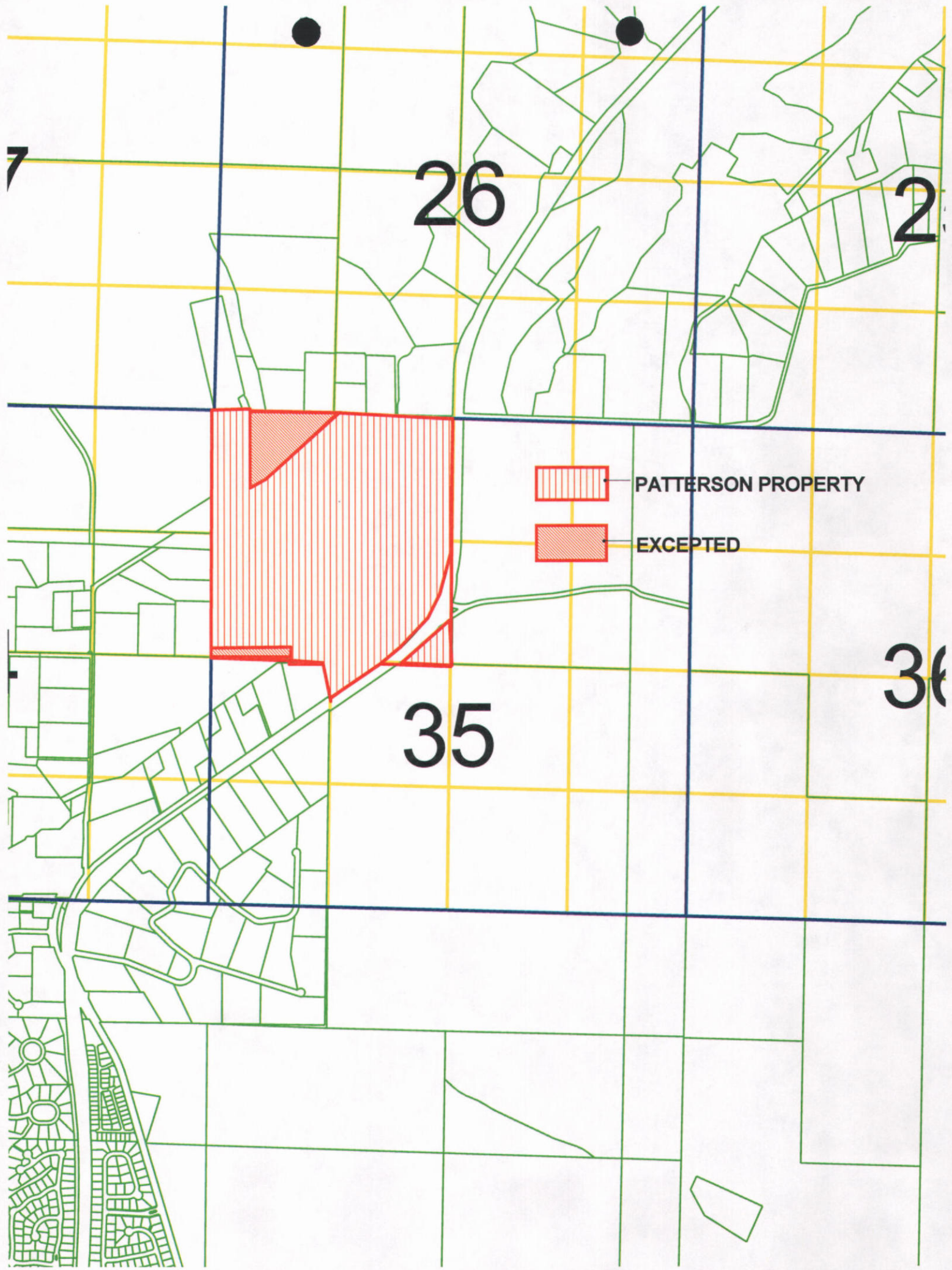
AG3-04086 A
* AG3-04023 A

5N, 1E, Sec. 35

EAGLE QUAD
IDAHO
7.5-MINUTE SERIES (OR)



MICROFILMED
AUG 19 1982



26

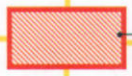
2

36

35



PATTERSON PROPERTY



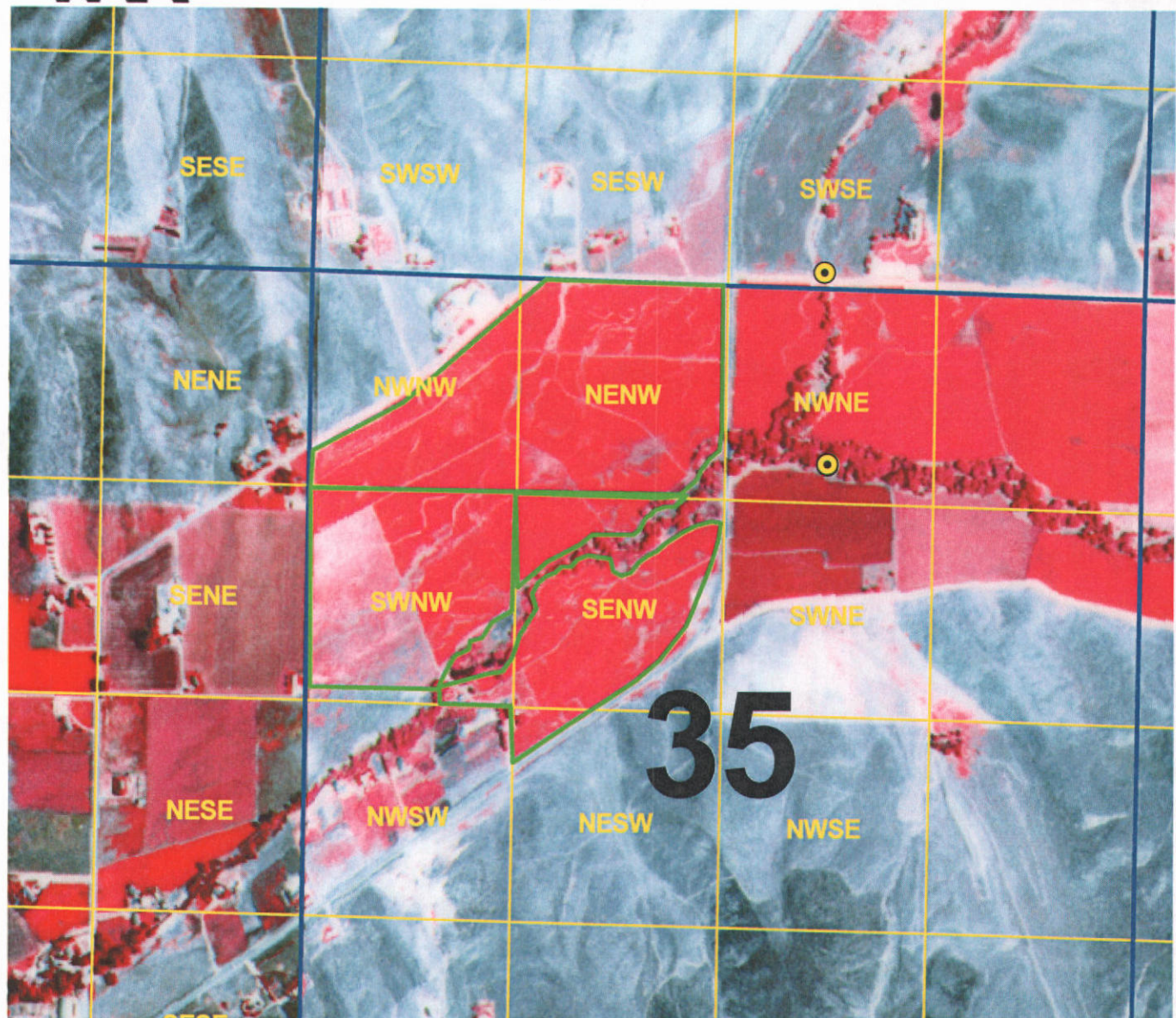
EXCEPTED



State of Idaho
Idaho Department of Water Resources
Western Region

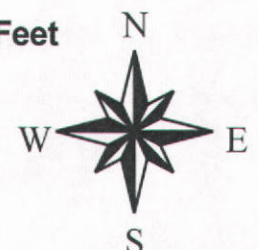
T5N R1E SECTION 35

Water Right (s): 63-4023A and 63-4086A



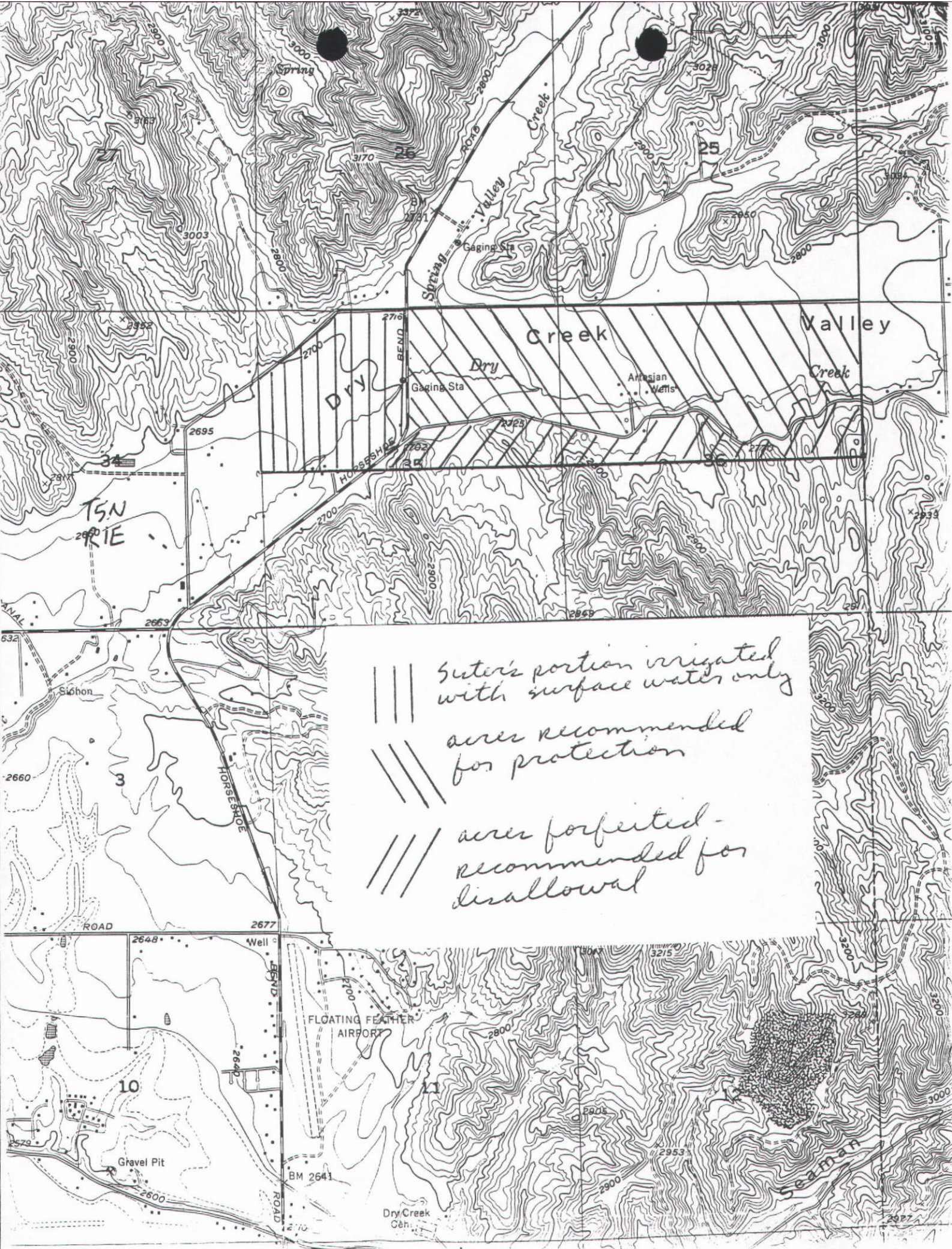
1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 122



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005



||| Suter's portion irrigated
with surface waters only

||| acres recommended
for protection

||| acres forfeited -
recommended for
disallowal

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: A63-04023A
Date Received: 8/11/1989
Receipt No: W004379
Received By: Luo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN WEISSHAUPT 208-939-6825
Address: 5005 BROOKSIDE LN.
BOISE, ID 83703

OR
Name: MARGARET BRUSHER
Address: 2393 TESSMER RD.
ANN ARBOR, MI 48103

2. Date of Priority: JUL 01, 1927

3. Source: DRY CREEK Trib. to: BOISE RIVER
SPRING CREEK DITCH DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	35	NW	NE			ADA

5. Description of diverting works:
WOODEN DAMS, HEADGATE, DITCHES, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.440		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A63-04023A

Page 1

Date: 08/11/89

MICROFILMED

AUG 19 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01E	35	NE	NW		IRR	39.0
			NW	NW		IRR	19.0
			SW	NW		IRR	36.0
			SE	NW		IRR	28.0
						Section Acres	122.0
						Total Acres	122.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

A6304982, A6304981, A6304980, A6304086A, 6307123

14. Remarks:

THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS,
SHALL DIVERT NO MORE THEN AN 1"/ACRE.
WHEN THIS WATER RIGHT IS USED, THE WATER IN THE DITCH AND FROM
DRY CREEK COMES FROM A WELL WHICH THEY BELIEVE IS LOCATED IN THE
NE1/4, NE1/4 OF SECTION 36, T5N, R1E.
THIS IS A SPLIT WATER RIGHT OFF OF A63-04023.

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): Helen Steiss Haupt Date: Aug 11-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of August 19 89

Linda Werner
Notary Public

Seal

Linda A. Werner
Residing at Residing at Boise, Idaho
My Commission Expires December 8, 1994

AG3-04086A
 Y AG3-04023A

5N, 1E, Sec. ~~30~~ 35

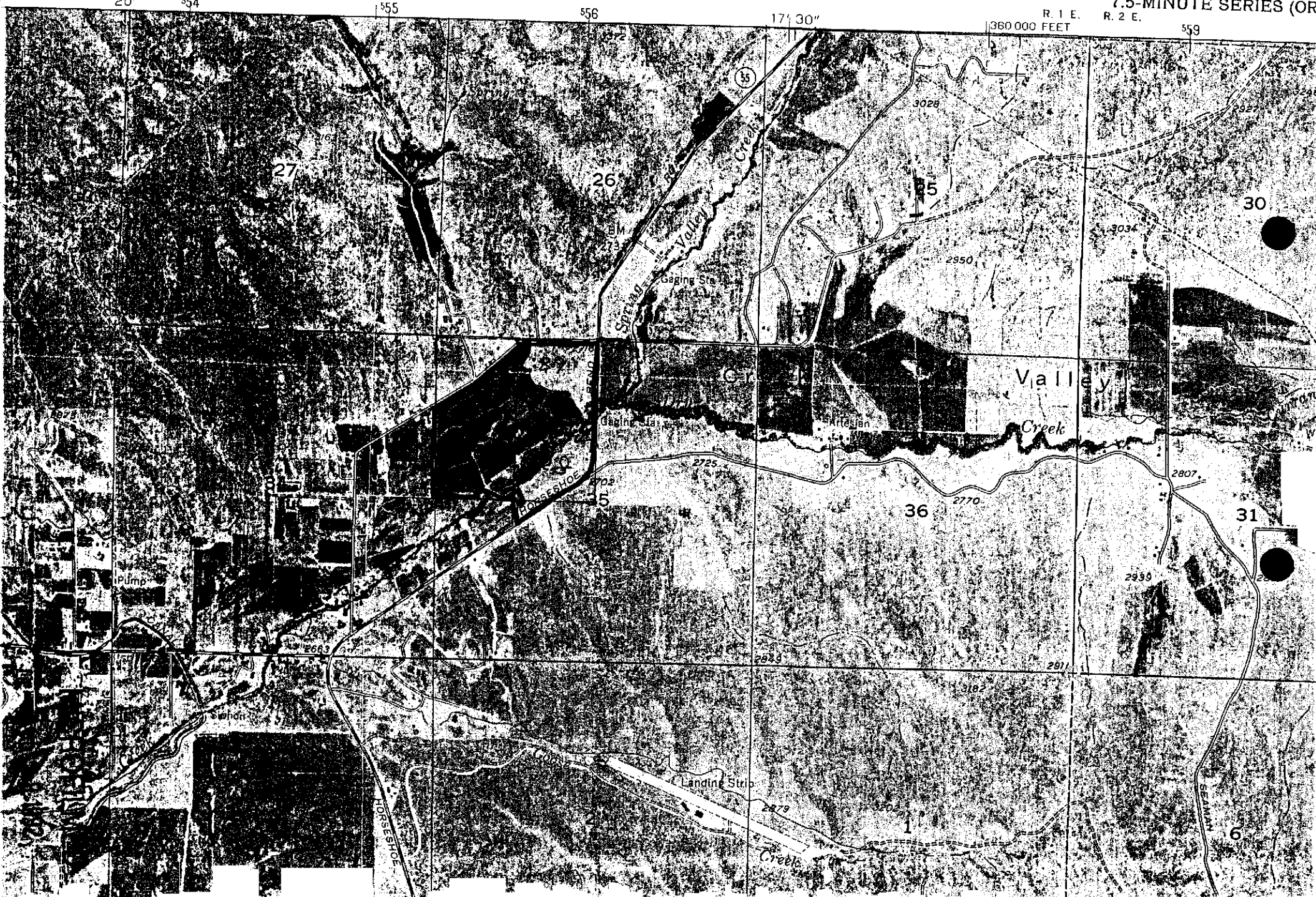
1111

1144

EAGLE QUAD

IDAHO

7.5-MINUTE SERIES (OR



Identification No. 65-4023
Claim No. 42652
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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

(Please refer to the instructions on the back of this form)

1. Name of claimant Julius Jeker
post office address Route #1, Boise, Idaho
2. The point of diversion are SW NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 36 Township 5 North
Range 1 East B.M. located on underground water
(name of source)
tributary to (Dry Creek Valley) in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

July 1, 1927 amount: 3.0 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 3.0 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

(up to) use _____ period of use from _____ to _____ (both dates inclusive)
3.0 cfs use Irrigation period of use from April 1 to October 31 (both dates inclusive)
use Livestock period of use from January 1 to December 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

- b. Underground water diverting works: is well flowing or pumped flowing & pumped ; depth of well is 400± feet; diameter of well is 4 & 8 inches; type of pump is centrifugal
capacity of pump is 675 g.p.m.; name and address of well driller is unknown

MICROFILMED

AUG 19 1992

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 400 head -
beef cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
These wells were all drilled in about 1926 or 1927 to the best of my knowledge.
I moved onto the property in March 1938 and have lived there continuously since
that time and all four of the wells have been used each and every year since
1938 to my own person knowledge, and also for each and every year between
the time they were drilled until 1938 to the best of my knowledge and belief.
I understand that all of the wells are about 400 feet deep but there are no
logs or drillers records. Individual well flows are about as follows: Well
No. 2, 0.8 cfs; Well No. 3, 0.6 cfs; Well No. 4, 0.1 cfs; Well No. 5, 1.5 cfs
(pumping) or 0.8 cfs (flow). All of the wells are flowing artesian wells with
a pump used to supplement discharge at Well No. 5 when needed. All of the
wells are used for irrigation and Nos. 3 and 4 also for livestock watering.
Wells 2,3 and 5 are 8-inch diameter; Well 4 is 4-inch diameter.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

May 24, 1968

(Date)

State of Idaho

County of ADA } ss.

Julius Jeker
(Signature of Claimant) Julius Jeker

On this 24th day of May 19 68, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Boise, Idaho

My commission expires April 7, 1970

For Department Use Only

Received by <u>ej</u>	Date <u>7-11-68</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Dull</u>	Date <u>7-11-68</u>			
Fee received by <u>ej</u>	Date <u>7-11-68</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>KS</u>	Date <u>7-18-68</u>			
Published in <u>Intermt. Obs.</u>	Dates <u>7-27</u>			

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

RIGHT NUMBER: 63-4023A

NAME AND ADDRESS: ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE ID 83714

~~MARGARET BRUSHER~~
~~2393 TESMER RD~~
~~ANN ARBOR MI 48103~~

~~HELEN WEISSHAUPT~~
~~5005 N BROOKSIDE LN~~
~~BOISE ID 83703~~

SOURCE: DRY CREEK
SPRING CREEK DITCH

TRIBUTARY: BOISE RIVER
TRIBUTARY: DRY CREEK

QUANTITY: 2.440 CFS

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4086A, 63-4980, 63-4981 and 63-4982.

PRIORITY DATE: 07/01/1927

POINT OF DIVERSION:

T05N R01E S35 NWNE Within ADA County

T05N R01E S35 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.440 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	NENW	39.00	T05N R01E S35	NWNW	19.00
T05N R01E S35	SWNW	36.00	T05N R01E S35	SENW	28.00

122 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos.: 63-4086A, 63-4980, 63-4981 and 63-4982.

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

The following rights are also diverted through point of diversion described above: 63-63-4086A, 63-4980, 63-4981 and 63-4982.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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	)	Water Rights: 63-4023A, 63-4086A,
	)	63-4980, 63-4981, 63-4982
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

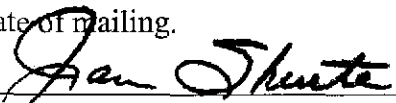
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 5, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 5, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Alpine Creek LLC	☐ overnight mail
5529 W School Ridge Rd.	☒ regular mail
Boise ID 83714	☐ hand-delivered
	☐ facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document



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

May 5, 2006

ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE ID 83714

Re: Water Right Nos. 63-4023A, 63-4086A, 63-4980, 63-4981, 63-4982

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filings. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

APR 20 2006

Form 42-246/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-4023A					
63-4086A					
63-4980					
63-4981					
63-4982					

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Helen Weisshaupt 5401 W Parson Dr, Boise ID 83714

Margaret Brusher 2343 Esmer Rd, Ann Arbor MI 48103

4. New Owner/Claimant(s)

Alpine Creek LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5529 W School Ridge Rd

City, State and ZIP Code

Boise, ID 83714

New Telephone Number

208 229-3793

5. Date you acquired the property

Oct. 5, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Alpine Creek LLC by Heidi Patterson, Manager
(include title if applicable) Alpine Creek LLC by Heidi Patterson, Manager

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

For Office Use Only

Received by _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by JPT AJ Date 5-2-06 WR _____ Date _____

7

26

2



PATTERSON PROPERTY



EXCEPTED

35

36

261067
Scm/HH



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY

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

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/06/05 4:00 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer

AMOUNT 6.00

105149314

Being re-recorded to correct legal
description.

3

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/12/06 10:57 AM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer

AMOUNT 9.00

3



106055689

Re-Record

QUITCLAIM DEED

For Value Received

Dennis B. Patterson and Heidi M. Patterson, Husband and Wife and Gustave A. Weisshaupt and Helen Weisshaupt,
Husband and Wife

do hereby convey, release, remise and forever quit claim unto

Alpine Creek, LLC, an Idaho limited liability company

whose address is 5529 W. School Ridge Road, Boise, Id 83714 ,

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: October 5, 2005

Dennis B. Patterson

by Heidi M. Patterson

Dennis B. Patterson by Heidi M. Patterson his
attorney in fact

Heidi M. Patterson

Heidi M. Patterson

Helen Weisshaupt

Helen Weisshaupt by Heidi M. Patterson her
attorney in fact

Gustave A. Weisshaupt

by Heidi M. Patterson

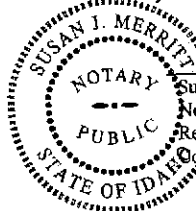
by Heidi M. Patterson

STATE OF Idaho, County of Ada, ss.

On this 5th day of October, in the year of 2005, before me the undersigned, notary public personally appeared
Heidi M. Patterson known or identified to me to be the person/persons whose name is/are subscribed to the
within instrument, and acknowledged to me that he/she/they executed the same.

STATE OF Idaho, County of Ada, ss.

On this 5th day of October, in the year of 2005, before me the undersigned, a notary public personally appeared
Heidi M. Patterson, known or identified to me to be the person whose name is subscribed to the within
instrument as the attorney in fact of Dennis B. Patterson, Helen Weisshaupt and Gustave A. Weisshaupt and
acknowledged to me that he/she/they subscribed the name(s) of Dennis B. Patterson and Helen Weisshaupt
thereto as principals, and his/her/their own name as attorney in fact.



Susan J. Merritt
Susan J. Merritt
Notary Public of Idaho
Residing at Caldwell
Commission expires: May 5, 2011

Parcel A

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

~~Thence South 56/100th chains to an iron post;~~

Thence East 6 and 96/100th chains more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line 56/100th chains South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

Thence South along the 1/16th line a distance of 6 and 63/100th chains to an iron pin;

Thence North 9°33' West a distance of 6 and 68/100th chains to an iron pin; and

Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East, Boise Meridian, lying North and West of Idaho State Highway 55 as the same now traverses said quarter section.

EXCEPT the Following, to wit:

Commencing at the Southwest corner of the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence North 89 feet;

Thence East parallel with the North line of said section 886 feet;

Thence South 89 feet to a point on the East and West $\frac{1}{2}$ section line;

Thence West parallel with the North line of said section 886 feet to the PLACE OF BEGINNING.

AND ALSO EXCEPTING as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North section line of Section 35;

Thence North 88°55'20" West 1403.85 feet along the section line to a point, the REAL POINT OF BEGINNING.

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

EXHIBIT A

Parcel B

A part of the Northwest Quarter, Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the
REAL POINT OF BEGINNING:

Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 495.39 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 764.54 feet to a point on the centerline of a 20 foot road easement;

Thence North 20°05'30" West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North 88°55'20" West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/12/06 10:57 AM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer

AMOUNT 12.00

4



261067

4

AMENDED BARGAIN AND SALE DEED

FOR VALUE RECEIVED, MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, the Grantor, does hereby grant, bargain, sell and convey unto DENNIS B. PATTERSON and HEIDI M PATTERSON, husband and wife, the Grantees, whose address is 5529 W. School Ridge Road, Boise, Idaho 83714, the following described premises, to-wit:

See Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

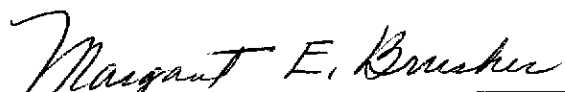
SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

DATED: 3/24, 2006


MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990

STATE OF Michigan)
) ss.

County of Washtenaw)

On this 24th day of March, in the year 2006 before me, Beverly Olberg, a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and acknowledged to me that she executed the same as such Trustee.

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

Beverly J. Olberg

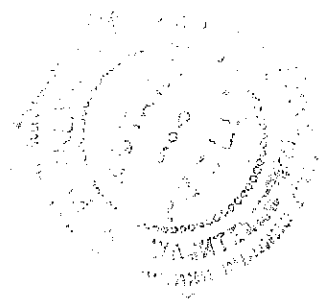
Notary Public for

BEVERLY J. OLBERG

Residing at Ann Arbor, MI

Notary Public, Washtenaw County, MI
My Commission Expires Jul. 16, 2006

My Commission Expires: _____



Parcel A

N 1394496.92 E 2314019.40

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

P1 Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

Thence South 56/100th chains to an iron post; - 39.96

Thence East ~~6 and 96/100th chains~~ more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line ~~56/100th chains~~ South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

P2 Thence South along the 1/16th line a distance of 6 and ~~63/100th chains~~ to an iron pin;

Thence North 9°33' West a distance of 6 and ~~68/100th chains~~ to an iron pin; and

Thence East a distance of 1 and 10/100th chains to the PLACE OF BEGINNING.

P3 Also the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

P4 That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East, Boise Meridian, lying North and West of Idaho State Highway 55 as the same now traverses said quarter section.

EXCEPT the Following, to wit: N 1394508.98 E 2313617.09

Commencing at the Southwest corner of the NW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

P5 Thence North 89 feet;

Thence East parallel with the North line of said section 886 feet;

Thence South 89 feet to a point on the East and West $\frac{1}{2}$ section line;

Thence West parallel with the North line of said section 886 feet to the PLACE OF BEGINNING.

AND ALSO EXCEPTING as follows: N 1395324.43 E 2313628.62

Beginning at the Northwest corner of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, the REAL POINT OF BEGINNING;

P10 Thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

Thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point;

Thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North section line of Section 35;

Thence North 88°55'20" West 1403.85 feet along the section line to a point, the REAL POINT OF BEGINNING.

AND EXCEPT that portion conveyed to The Farmers Union Ditch Company Ltd., by deed recorded under Instrument No. 11063 in Book 61 of Deeds at Page 75;

AND EXCEPT FROM the above described parcels those portions conveyed to the State of Idaho by deeds recorded under Instrument No.'s 160908 in Book 208 Page 600, 162008 in Book 210 Page 184, 95017419, 95017420, 95017421 and 95017422.

EXHIBIT A

Parcel B N1395324.13 E2313628.62

A part of the Northwest Quarter, Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

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Thence North $88^{\circ}55'20''$ West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B



RECEIVED

DEC 30 2005

WATER RESOURCES
WESTERN REGION

**CORRECTIVE
BARGAIN AND SALE DEED**

COPY

FOR VALUE RECEIVED, MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trustee with Margaret E. Brusher, Trustor, dated April 26, 1990, the Grantor, does hereby grant, bargain, sell and convey unto DENNIS B. PATTERSON and HEIDI M PATTERSON, husband and wife, the Grantees, whose address is 5529 W. School Ridge Road, Boise, Idaho 83714, the following described premises, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

This Deed is executed to correct the legal description in the Bargain and Sale Deed dated October 4, 2005 and recorded October 6, 2005 as Instrument No. 105149310, records of Ada County, Idaho.

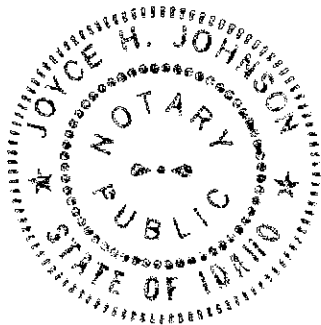
DATED: December 26, 2005

MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of December, in the year 2005 before me, JOYCE H. JOHNSON, a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and acknowledged to me that she executed the same as such Trustee.

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



Joyce H. Johnson
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1/27/11

EXHIBIT A

Parcel A

Commencing at a stone the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 5 North, Range 1 East of the Boise Meridian;

Thence West along the Quarter Section line 6 and 96/100th chains to an iron post;

Thence South 56/100th chains to an iron post;

Thence East 6 and 96/100th chains more or less to the North and South 1/16th line of said SW $\frac{1}{4}$;

Thence North 56/100th chains to the PLACE OF BEGINNING;

And also commencing at a point on the North and South 1/16th line 56/100th chains South of the Northeast corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35;

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105149310

26/06/07
sem/HH

BARGAIN AND SALE DEED

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See Exhibits "A" and "B" attached hereto and incorporated herein by this reference.

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FURTHER SUBJECT TO unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

DATED: OCT. 4, 2005

MARGARET E. BRUSHER, Trustee under an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990

hp

STATE OF Michigan)
) ss.
County of Washtenaw)

On this 4th day of October, in the year 2005 before me, Beverly J. Olberg,
a Notary Public in and for said State, personally appeared MARGARET E. BRUSHER, known or
identified to me to be the person whose name is subscribed to the within instrument as Trustee of
an instrument of Revocable Trust with Margaret E. Brusher, Trustor, dated April 26, 1990, and
acknowledged to me that she executed the same as such Trustee.

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

Beverly J. Olberg
Notary Public for _____
Residing at _____
My Commission Expires: _____

BEVERLY J. OLBERG
Notary Public, Washtenaw County, MI
My Commission Expires Jul. 16, 2006



EXHIBIT A

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Thence North $20^{\circ}05'30''$ West 54.35 feet along the centerline of a 20 foot road easement to a point on the section line;

Thence North $88^{\circ}55'20''$ West 409.84 feet along the section line to a point, the REAL POINT OF BEGINNING.

EXHIBIT B



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for ALPINE CREEK, LLC](#)]

ALPINE CREEK, LLC

5529 W SCHOOL RIDGE RD
BOISE, ID 83714

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 20 Sep 2005

State of Origin: IDAHO

Date of 20 Sep 2005

Origination/Authorization:

Current Registered Agent: HEIDI M PATTERSON
5529 W SCHOOL RIDGE RD
BOISE, ID 83714

File Number: W43031

Date of Last Annual Report:

Amendments:

Amendment filed 20 Sep 2005 ARTICLES OF
ORGANIZATION

[View Document](#)
[Online](#)
[Download \(TIFF](#)
[format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

05/31/2005

NOTICE OF ERROR

REPLY

RECEIVED

APR 20 2006

WATER RESOURCES
WESTERN REGION

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: July 15, 2005

Water right number: 63-4023A

MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703
Telephone Number: (208)939-6825

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:

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

DATE: 4-20-06

SIGNATURE: Alpine Creek Nurture Patterson mang.

Please print your name: Alpine Creek LLC, Heidi Patterson

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

TE OF
ARTM
STERN REGIONAL OFFICE
5 AIRPORT WAY
SE, IDAHO 83705

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004383333 \$ 01.290
JUN 06 2005
MAILED FROM ZIP CODE 83702

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

WEIS005 837142021 1304 03 06/08/05
FORWARD TIME EXP RTN TO SEND
WEISSHAUPT
5529 W SCHOOL RIDGE RD
BOISE ID 83714-9463

RETURN TO SENDER

ESS SERVICE
EQUESTED

63-4086A

63-4023A

63-4982

63-4981

RECEIVED

JUN 09 2005
WATER RESOURCES
WESTERN REGION

05/16/2005

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

RIGHT NUMBER: 63-4023A

NAME AND ADDRESS: MARGARET BRUSHER
2393 TESMER RD
ANN ARBOR MI 48103

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

SOURCE: DRY CREEK
SPRING CREEK DITCH

TRIBUTARY: BOISE RIVER
TRIBUTARY: DRY CREEK

QUANTITY: 2.440 CFS

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4086A, 63-4980, 63-4981 and 63-4982.

PRIORITY DATE: 07/01/1927

POINT OF DIVERSION:
T05N R01E S35 NWNE Within ADA County
T05N R01E S35 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.440 CFS

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S35	NENW	39.0	T05N R01E S35	NWNW	19.0
T05N R01E S35	SWNW	36.0	T05N R01E S35	SENW	28.0

122 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos.: 63-4086A, 63-4980, 63-4981 and 63-4982.

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

The following rights are also diverted through point of diversion described above: 63-63-4086A, 63-4980, 63-4981 and 63-4982.

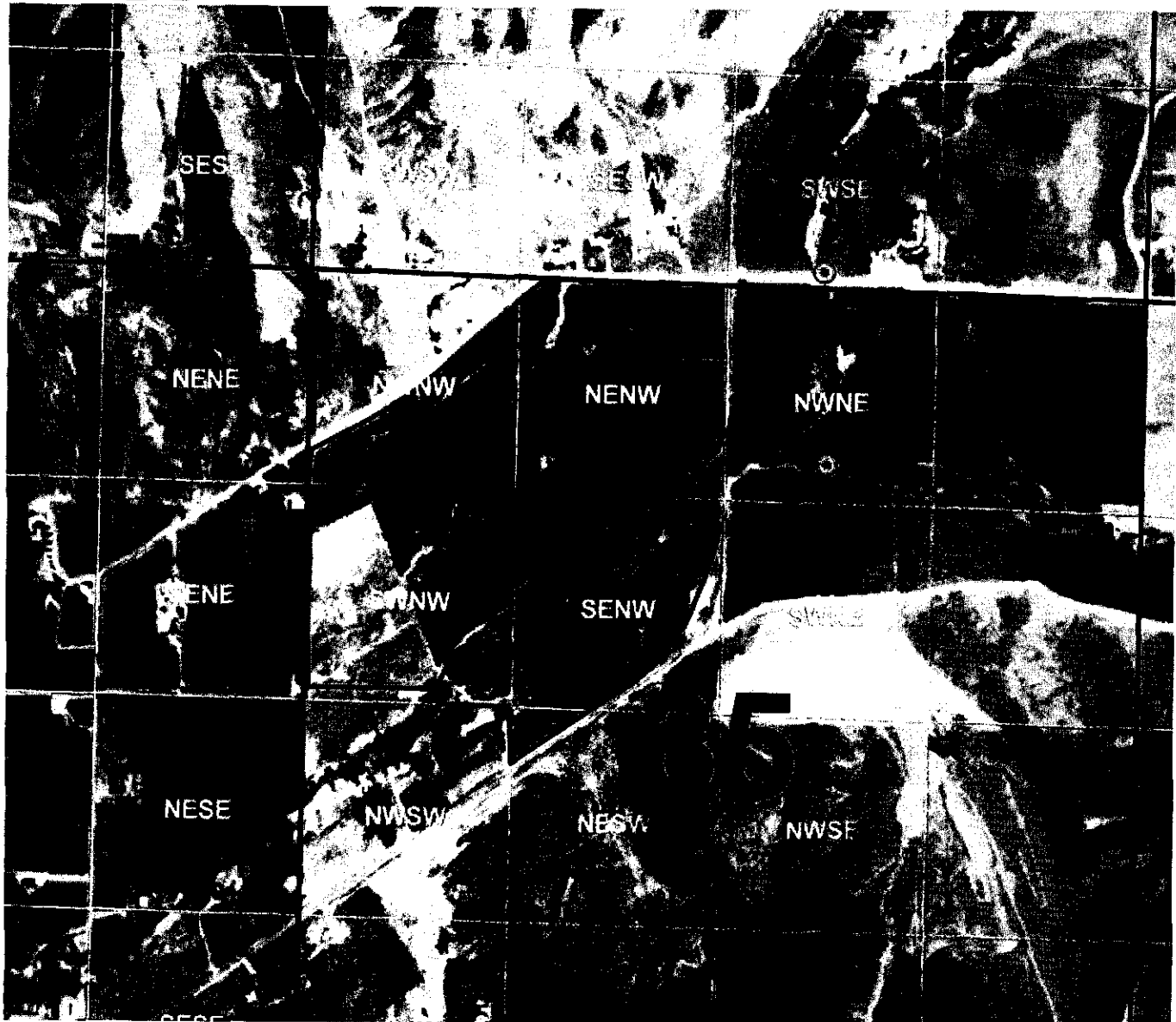
Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



State of Idaho
Idaho Department of Water Resources
Western Region

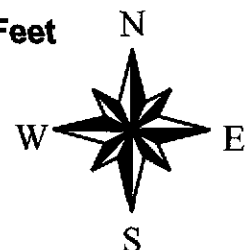
T5N R1E SECTION 35

Water Right (s): 63-4023A and 63-4086A



1320 0 1320 2640 Feet

TOTAL IRRIGATED ACRES = 122



- ⊙ Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: May 2005

DESKTOP WWWW

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4023 A

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 7-1-1927

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

see map & affidavit in file

* Source: privately groundwater but claimed Dry Creek due to brother,
 Tributary to _____
☒ No Change – SAME SOURCE J. J. J. not wanting to provide
☐ Source found is different than claimed: well water.

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

see statutory & SRBC claims**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-4086A, 63-4980, 63-4981, 63-4982.

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

WATER USES☒ No change☐ Different Uses

Use WV From 3/1 To 11/15 Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only NA

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

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

Overlap with other water rights: same 122 acres as 63-4086A, overlap w/ 63-4992 (ac.)
and 63-4991 (ac.)

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see statutory & SRPA actions

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

606 - same PPD: 03-4086A, 4990, 4991, 4992

652 - same PPD - limited to 122 ac.

653 - limited to 244 ac

602 - all box in source < 100 ft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4023A

WATER RIGHT NUMBER: 63-4023A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARGARET BRUSHER 2393 TESMER RD ANN ARBOR, MI 48103
Current Owner	HELEN WEISSHAUPT 5005 N BROOKSIDE LN BOISE, ID 83703 (208)939-6825

Priority Date: 07/01/1927 ✓
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
DRY CREEK	BOISE RIVER ✓
SPRING CREEK DITCH	DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.440 CFS ✓	
	<u>Total Diversion:</u>	2.440 CFS	

Location of Point(s) of Diversion

DRY CREEK	NW1/4NE1/4	Sec. 35, Twp 05N, Rge 01E, B.M. ✓
ADA County		
SPRING CREEK DITCH	NW1/4NE1/4	Sec. 35, Twp 05N, Rge 01E, B.M. ✓
ADA County		

Place of Use

IRRIGATION ✓

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	35					39.0	19.0	36.0	28.0									122.0

Total Acres: 122

1. General THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS, SHALL DIVERT NO MORE THEN AN 1"/ACRE.
 WHEN THIS WATER RIGHT IS USED, THE WATER IN THE DITCH AND FROM DRY CREEK COMES FROM A WELL WHICH THEY BELIEVE IS LOCATED IN THE NE1/4, NE1/4 OF SECTION 36, T5N, R1E.
 THIS IS A SPLIT WATER RIGHT OFF OF A63-04023.

Comments:

all fox in soul
 combined use remarks.

11-3-04: Zane Johnson $\Leftrightarrow$ Dry Creek Basin
Dan Nelson

Spring Creek

63-16818

Dry Creek

63-4023 A

63-4086 A

$\approx$ 150 acres

63-4981

63-4980

() 867-8226

Look at these and call Zane

ZJohnson@Cableone.net

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4023A**

03/21/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
I023A	Claim	05N	01E	35	NE	NW		IRRIGATION	39/122	MARGARET BRUSHER
I086A	Claim	05N	01E	35	NE	NW		IRRIGATION	39/122	MARGARET BRUSHER
4980	Claim	05N	01E	35	NE	NW		IRRIGATION	24/31	HELEN WEISSHAUPT
4981	Claim	05N	01E	35	NE	NW		IRRIGATION	14/69	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	NE	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	NE	NW		IRRIGATION	39/473	JULIUS JEKER
4980	Water Right	05N	01E	35	NE	NW		IRRIGATION	24/31	HELEN WEISSHAUPT
4981	Water Right	05N	01E	35	NE	NW		IRRIGATION	14/69	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	NE	NW		IRRIGATION	39/473	JULIUS JEKER
I023A	Claim	05N	01E	35	NW	NW		IRRIGATION	19/122	MARGARET BRUSHER
I086A	Claim	05N	01E	35	NW	NW		IRRIGATION	19/122	MARGARET BRUSHER
4980	Claim	05N	01E	35	NW	NW		IRRIGATION	7/31	HELEN WEISSHAUPT
4981	Claim	05N	01E	35	NW	NW		IRRIGATION	13/69	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	NW	NW		IRRIGATION	20/350	JULIUS JEKER
4086	Water Right	05N	01E	35	NW	NW		IRRIGATION	19/473	JULIUS JEKER
4980	Water Right	05N	01E	35	NW	NW		IRRIGATION	7/31	HELEN WEISSHAUPT
4981	Water Right	05N	01E	35	NW	NW		IRRIGATION	13/69	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	NW	NW		IRRIGATION	19/473	JULIUS JEKER
I023A	Claim	05N	01E	35	SW	NW		IRRIGATION	36/122	MARGARET BRUSHER
I086A	Claim	05N	01E	35	SW	NW		IRRIGATION	36/122	MARGARET BRUSHER
4981	Claim	05N	01E	35	SW	NW		IRRIGATION	36/69	HELEN WEISSHAUPT
4982	Claim	05N	01E	35	SW	NW		IRRIGATION	1/24	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	SW	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/473	JULIUS JEKER
4981	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/69	HELEN WEISSHAUPT
4982	Water Right	05N	01E	35	SW	NW		IRRIGATION	1/24	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	SW	NW		IRRIGATION	36/473	JULIUS JEKER
I023A	Claim	05N	01E	35	SE	NW		IRRIGATION	28/122	MARGARET BRUSHER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4023A

03/21/2005

2

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1086A	Claim	05N	01E	35	SE	NW		IRRIGATION	28/122	MARGARET BRUSHER
4981	Claim	05N	01E	35	SE	NW		IRRIGATION	6/69	HELEN WEISSHAUPT
4982	Claim	05N	01E	35	SE	NW		IRRIGATION	19/24	HELEN WEISSHAUPT
4023	Water Right	05N	01E	35	SE	NW		IRRIGATION	40/350	JULIUS JEKER
4086	Water Right	05N	01E	35	SE	NW		IRRIGATION	28/473	JULIUS JEKER
4981	Water Right	05N	01E	35	SE	NW		IRRIGATION	6/69	HELEN WEISSHAUPT
4982	Water Right	05N	01E	35	SE	NW		IRRIGATION	19/24	HELEN WEISSHAUPT
7123	Water Right	05N	01E	35	SE	NW		IRRIGATION	28/473	JULIUS JEKER

Receipt Details for ID W004379

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/11/1989 3:27:45 PM	8/11/1989	Western	\$372.00	Check
Payer		WEISSHAUPT, HELEN		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
754			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$372.00	ADJUDICATION FEE	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4982		\$50.00	Claim
63	4981		\$50.00	Claim
63	4980		\$50.00	Claim
63	4086	A	\$172.00	Claim
63	4023	A	\$50.00	Claim

Print Report

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4023

WATER RIGHT NUMBER: 63-4023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JULIUS JEKER RT 1 BOISE, ID 83704

Priority Date: 07/01/1927

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.000 CFS	
STOCKWATER	1/01 to 12/31		
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 36, Twp 05N, Rge 01E, B.M.
ADA County		
GROUND WATER	SE1/4NW1/4	Sec. 36, Twp 05N, Rge 01E, B.M.
ADA County		
GROUND WATER	SW1/4NW1/4	Sec. 36, Twp 05N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T05N R01E S35	NENE	40.0	T05N R01E S35	NWNE	40.0
T05N R01E S35	SWNE	15.0	T05N R01E S35	SENE	20.0
T05N R01E S35	NENW	40.0	T05N R01E S35	NWNW	20.0
T05N R01E S35	SWNW	40.0	T05N R01E S35	SENE	40.0
T05N R01E S36	NENW	15.0	T05N R01E S36	NWNW	40.0
T05N R01E S36	SWNW	30.0	T05N R01E S36	SENE	10.0

Total Acres: 350

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General 4 ARTESIAN WELLS ARE DESCRIBED.
PUMP INSTALLED IN ONE WELL IN 1948 INCREASED DISCHARGE FROM .8 CFS TO 1.5 CFS.

SPLIT
A BRUSH#12
B JEKER

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-4023

Comments:

1. VAULT 1/13/1999 Extension of Time Received
Comment: Extension of Time Received

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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KWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: A63-04023A Date: 8-27-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	5N	1E	35					39	19	36	28									122
GIS								40	20	39	34									133
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 122

Overlapping POU Claim #'s:

A63-04086A

Total GIS Acres: 133

COMMENTS:

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Ada)

BEN DOBSON, being first duly sworn on oath, deposes
and says:

As a small boy and young man I lived with my father,
Len Dobson, on the real property now owned by Helen Weisshaupt
and Margaret Brusher, and during the years 1920 through 1925
I saw my father, Len Dobson, divert water from Spring Creek
at the diversion point above described and water from Dry
Creek also at the diversion point above described for the
purpose of irrigating crops growing on the described real
property. The water from Spring Creek was used in the spring
and early summer until the flow of water ceased in the summertime,
and the water from Dry Creek was used in the spring and early
summer and until the flow was so low that the water could no
longer be diverted for irrigation purposes. I further know
of my own knowledge that from 1926 until 1937 a farmer by the
name of Walter Odermott continued to irrigate the described
land from both Spring Creek and Dry Creek using the same points
of diversion, and thereafter, beginning in 1937 that Julius
Jeker continued the irrigation and beneficial use of the water
from the described points of diversion.

MICROFILMED

I make this affidavit from my own personal knowledge for the purpose of establishing that water was diverted from both Spring Creek and Dry Creek for the purpose of irrigating the lands now owned by Helen Weisshaupt and her sister, Margaret Brusher.

DATED this 2nd day of March, 1983.

Ben Dobson
BEN DOBSON

SUBSCRIBED AND SWORN TO before me this 2nd day of March, 1983.

Sherrell L. Fridge
Notary Public for Idaho
Residing at Ammon, Idaho

MICROFILMED

IN THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

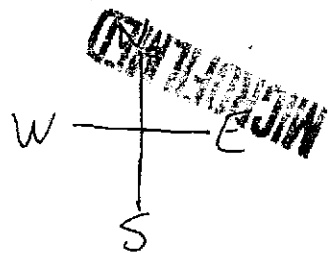
IN RE: Proof of Water Right by
Helen Weisshaupt and
Margaret Brusher to the
Waters of Dry Creek and
Spring Creek, Ada County,
Idaho

This affidavit is made in connection with a claim of water right by Helen Weisshaupt and Margaret Brusher to the waters of Dry Creek and Spring Creek in Ada County, Idaho, beneficially used for the purpose of irrigation of approximately 122 acres of land which they own located in the West Half of Section Thirty-five (35) in Township Five (5) North of Range One (1) East of the Boise Meridian, in Ada County, Idaho.

The diversion point in Spring Creek is located in the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26), approximately Six Hundred (600) feet east of the Quarter Section line, and approximately One Hundred (100) feet North of the South Section line.

The diversion point for Dry Creek is in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35), approximately Eight Hundred and Fifty (850) feet East of the Quarter Section line, and approximately Twelve Hundred (1200) feet South of the North Section line.

MICROFILMED



27 | 26
34 | 35

26 | 25
35 | 36



DIVERSION BOX

DIVERSION BOX

DRY CREEK

BROOKSIDE LANE

OLD STREAM PATH

HWY 55

Affidavit

MEMO

DATE: 4/13/1999

FR: lg

TO: Files 63-07123, 63-04023, 63-04086

RE: Extensions of Time to Avoid Forfeiture

Due to illness and incompetent help, applicant stated that claimed and licensed acres have not been irrigated since 1994 and has requested protection from forfeiture on the above listed rights.

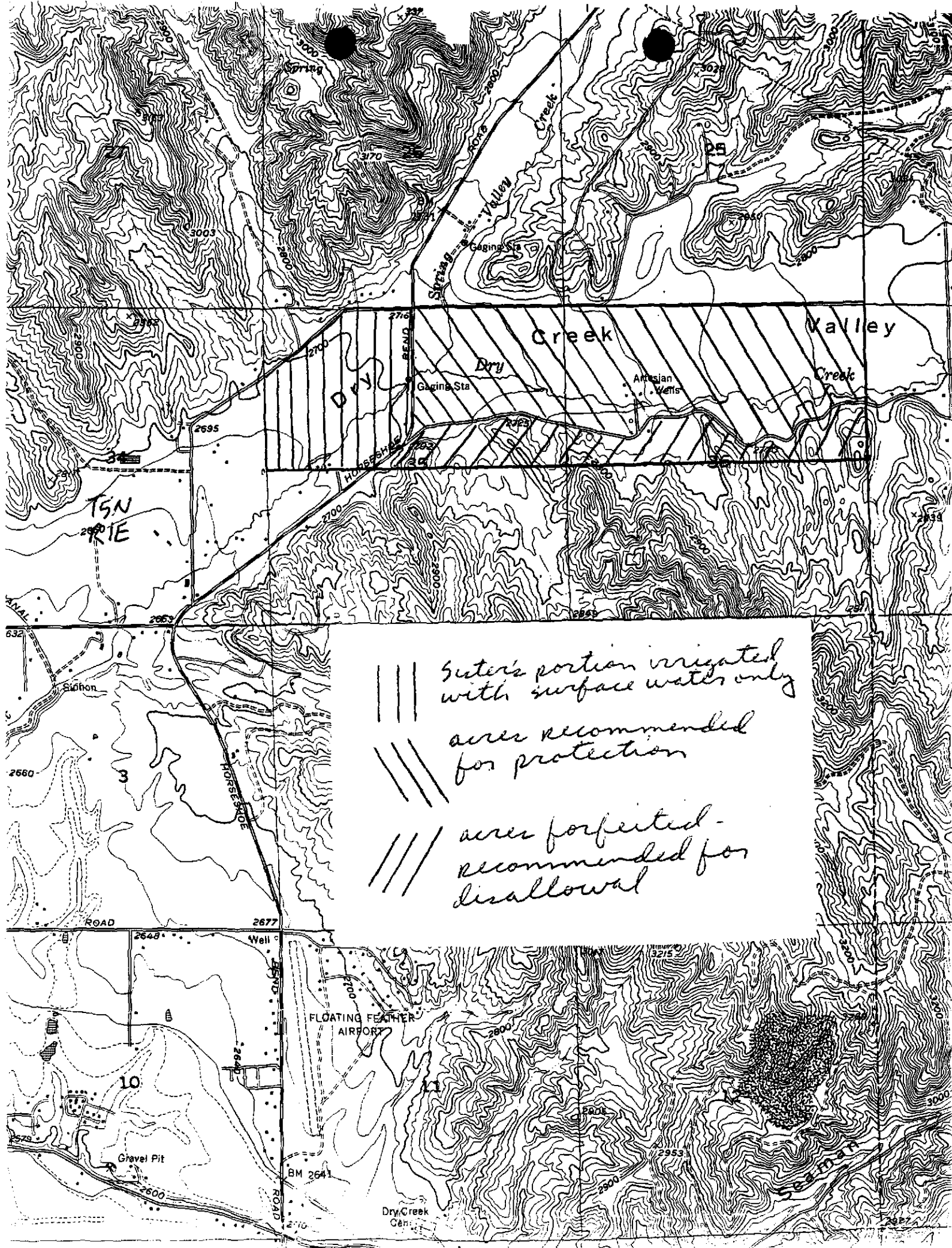
Two licenses and two statutory claims are used for irrigation, with overlapping p/u and p/d's. 510 total acres irrigated was licensed for 63-07123, and capacity of the NENE sec 36 well was calculated at 9.49 cfs, however total system capacity has yet to be determined. The SRBA claims were basically filed as recorded except that the two statutory claims were split to reflect the portion of the farm owned separately by applicant's sister (Helen Weisshaupt). License 63-07123 also included the sister's acres but was not split in the SRBA, however the sister's acres were excluded from A63-07123. Applicant's sister owns the NW qtr of section 35 (property west of HWY 55).

Per telecon with Helen (sister) and telecon with Julius 4/13/1999, both stated that Helen's portion did not use ground water. Her irrigation sources are Dry Creek and Spring Creek only. Julius also stated that his property south of Dry Creek road and east of HWY 55 is not irrigated and has not been irrigated for many years. The ground water is only applied to his acres north of the road.

The property north of Dry Creek Road, along with sister's portion west of HWY 55, was clearly irrigated in 1987 per napp photo and also in 1994 per scanned airphoto. The property south of Dry Creek Road and east of HWY 55 did not appear irrigated on both photos, but was listed on license 63-07123 and A63-07123.

Based on this information, I recommend that the acres in the NW qtr, sec 35, be forfeited and that A63-04023A and A63-04086A be disallowed due to ground water non-use (Helen's acres). I also recommend the property licensed on 63-07123, south of Dry Creek road and east of HWY 55, be forfeited and disallowed on A63-07123. The remaining acres (specific amount to be determined in SRBA) should be protected. See attached topo map for visual clarification.

cc: A63-04023A, A63-04086A, A63-07123



A63-4023A

MEMO TO FILE

DATE: AUGUST 21, 1989
FROM: LINDA WERNER
RE: JULIUS JEKER
CLAIM #'S A63-4023B, A63-4086B, A63-7123, A63-2535,
A63-17451, A63-17452, A63-17453 AND A63-17455

JULIUS JEKER FILED WATER RIGHT CLAIMS AS INDICATED ABOVE FOR A TOTAL OF 440 ACRES, TWO OF WHICH ARE DOMESTIC AND ONE STOCKWATER. HE HAS A MYRIAD OF PREVIOUS RIGHTS CONSISTING OF LICENSES AND STATUTORY CLAIMS.

AN ASCS MAP WAS USED TO DETERMINE ACRES. MR. JEKER WAS UNSURE AS TO HOW TO SPLIT THESE ACRES BY QUARTER, QUARTERS WHICH WAS MADE MORE DIFFICULT BY THE FACT THAT THE ASCS MAP DOES NOT DELINEATE QUARTER, QUARTER SECTIONS AND INDICATED ACREAGES WHICH WERE NOT STRAIGHT 40'S. THE MAP USED TO DETERMINE ACREAGES IS ATTACHED TO A63-04023B.

THERE ARE APPROXIMATELY 8 WELLS ON HIS PROPERTY WITH 4 OF THESE BEING ARTESIAN. ONE IS A HOT WATER WELL (A63-17455). WATER IS ALSO SUPPLIED BY MEANS OF DRY CREEK.

AS INDICATED ABOVE-A63-04023 AND A63-04086 HAVE BEEN SPLIT INTO A AND B. THE A PORTION OF BOTH WATER RIGHTS ARE IN THE NAMES OF HELEN WEISSHAUPT AND MARGARET BRUSHER, BOTH SISTERS OF JULIUS JEKER. THESE LANDS WERE DIVIDED IN THE ESTATE ON THE DEATH OF THEIR MOTHER. A63-04023A AND A63-04086A ARE IN THE NAMES OF WEISSHAUPT AND BRUSHER. THE PROBLEM HERE IS THAT DRY CREEK ALONE DOES NOT SUPPLY ENOUGH WATER TO IRRIGATE THE 122 ACRES NOW OWNED BY WEISSHAUPT AND BRUSHER. IN EARLIER DAYS THE WATER FROM JEKER'S PROPERTY, BY WELL, WAS INTEGRATED INTO DRY CREEK SUPPLYING ENOUGH TO IRRIGATE THE 122 ACRES. THIS PROPERTY WAS ALL OWNED BY THE MOTHER AT ONE TIME. HOWEVER, WHEN THE PROPERTY WAS SPLIT, JEKER NO LONGER PUT ANY EXTRA WATER IN THE CREEK TO SUPPLEMENT THE NATURAL FLOW OF THE CREEK. THEREFORE, DRY CREEK DOES NOT FLOW ENOUGH TO HANDLE IRRIGATION FOR THE ENTIRE IRRIGATION SEASON ON THE WEISSHAUPT PROPERTY.

MR. JEKER IS CONCERNED THAT THE FILING OF THESE WATER RIGHTS WOULD FORCE HIM TO DIVERT WATER FROM HIS WELLS INTO THE CREEK FOR WEISSHAUPTS USAGE. HE DEFINITELY IS AGAINST THIS!

A63-04023A AND A63-04086A AS FILED BY WEISSHAUPT AND BRUSHER NAME THE SOURCE AS DRY CREEK AND SPRING CREEK. MRS. WEISSHAUPT INDICATED TO ME IN A PHONE CONVERSATION OF 8/18/89 THAT DRY CREEK HAS ALWAYS BEEN USED AS THE SOURCE OF IRRIGATION WATER SINCE THE PRIORITY DATE ON THE CLAIMS. THE ONLY DIFFERENCE BEING THAT

MICROFILMED

AUG 19 1992

WHEN JEKER HAD EXTRA WATER AVAILABLE FROM HIS WELLS HE WOULD
DIVERT THAT WATER THROUGH DRY CREEK FOR HER TO PICK UP
DOWNSTREAM. IT WAS BY REQUEST OF MRS. WEISSHAUPT THAT I SPLIT
THE ABOVE TWO WATER RIGHTS.

MICROFILMED

AUG 19 1992

CONVERSATION MEMORANDUM

DATE 8-16-89FILE AG3-4023A

NAME OF PARTY

Helen Wusskaupf

EMPLOYEE

Linda WerrinAG3-4086A

RE:

Called claimant at 4:30 pm to request
a copy of deed & date creek was first used
as source. No answer - left message to
call on answering machine.

8-18-89- Creeks were used for
irrigating acreage before the wells
were drilled - since priority date.

T. Guy will be sending a copy of
the deed - Per Helen & Gus Wusskaupf -
@ 0945.

5-11-90 - Still have not received a copy
of the deed.

MICROFILMED

AUG 19 1992

RECEIVED

AUG 22 1989

7824078
D E E D

Department of Water Resources
Western Regional Office

THIS DEED, made this 5th day of May, 1978, by ANNA JEKER VOGT, the Grantor, of Ada County, Idaho, a married woman acting with respect to her sole and separate property, the mother of the Grantees, for and in consideration of the love and affection which she holds for her daughters, does hereby give, grant and convey unto HELEN WEISSHAUPT, a married woman, whose address is Route 1, Brookside Lane, Boise, Idaho, the daughter of the Grantor, and MARGARET BRUSHER, a married woman, whose address is 2393 Tessmer Road, Ann Arbor, Michigan, also the daughter of the Grantor, as their sole and separate property and to their respective heirs and assigns forever, in equal undivided interests as tenants in common the following described property situate in Ada County, State of Idaho, to wit:

Commencing at a stone the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section Thirty-five, Township Five North, Range One East of the Boise Meridian; thence West along the Quarter Section line six and ninety-six hundredths chains to an iron post; thence South fifty-six hundredths chains to an iron post; thence East six and ninety-six hundredths chains more or less to the North and South one-sixteenth line of said Southwest Quarter; thence North fifty-six hundredths chains to the place of beginning; and also commencing at a point on the North and South one-sixteenth line fifty-six hundredths chains South of the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section Thirty-five; thence South along the one-sixteenth line a distance of six and sixty-three hundredths chains to an iron pin; thence North nine degrees thirty-three minutes West a distance of six and sixty-eight hundredths chains to an iron pin; and thence East a distance of one and ten hundredths chains to the place of beginning.

Also the Northwest Quarter of Section Thirty-five, Township Five North, Range One East of the Boise Meridian in Ada County, Idaho, except the following, to wit: Commencing at the Southwest corner of the Northwest Quarter of Section Thirty-five, Township Five North, Range One East of the Boise Meridian; thence North eighty-nine feet; thence East parallel with the North line of said Section eight hundred eighty-six feet; thence South eighty-nine feet to a point on the East and West half section line; thence West parallel with the North line of said section eight hundred eighty-six feet to the place of beginning, and also excepting as follows: Beginning at the Northwest Corner of Section 35, Township Five North, Range One East, Boise Meridian, Ada County, Idaho, the real point of beginning; thence South along the section line 1071.98 feet to a point on the North right-of-way line of Brookside Lane;

thence North 59°52' East 687.77 feet along the North right-of-way line of Brookside Lane to a point; thence North 49°06'40" East 1069.85 feet along the North right-of-way line of Brookside Lane to a point on the North Section line of Section 35; thence North 88°55'20" West 1403.85 feet along the section line to a point, the real point of beginning.

→ TOGETHER WITH all water, ditch and lateral rights thereon or used in connection therewith, of every kind and nature.

The Grantees herein named, Helen Weisshaupt and Margaret Brusher, are sisters and each already owns an undivided one-fourth interest in the above described real property, and the interest hereby conveyed by the Grantor is the remaining undivided one-half interest in the above described property. It is the intention of the parties hereto that upon delivery of this deed, the Grantees will own the entire interest in the described real property equally as tenants in common, one-half by each as her sole and separate property.

IN WITNESS WHEREOF, the Grantor has executed this Deed of Gift this 5th day of May, 1978.

Anna Jeker VOGT
ANNA JEKER VOGT

STATE OF IDAHO)
County of Ada) ss.

On this 5th day of May, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared ANNA JEKER VOGT, known to me to be the person whose name is subscribed to the foregoing instrument and 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 in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO, COUNTY OF ADA ss.
Filed for record at the request of Barbara L. Baggley
17 Min. past 1 o'clock M. this 8th day of May 1978
CLARENCE A. PLANTING, Recorder
By Barbara L. Baggley Deputy

200
[Signature]