

7

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PATTERSON PROPERTY



EXCEPTED

35

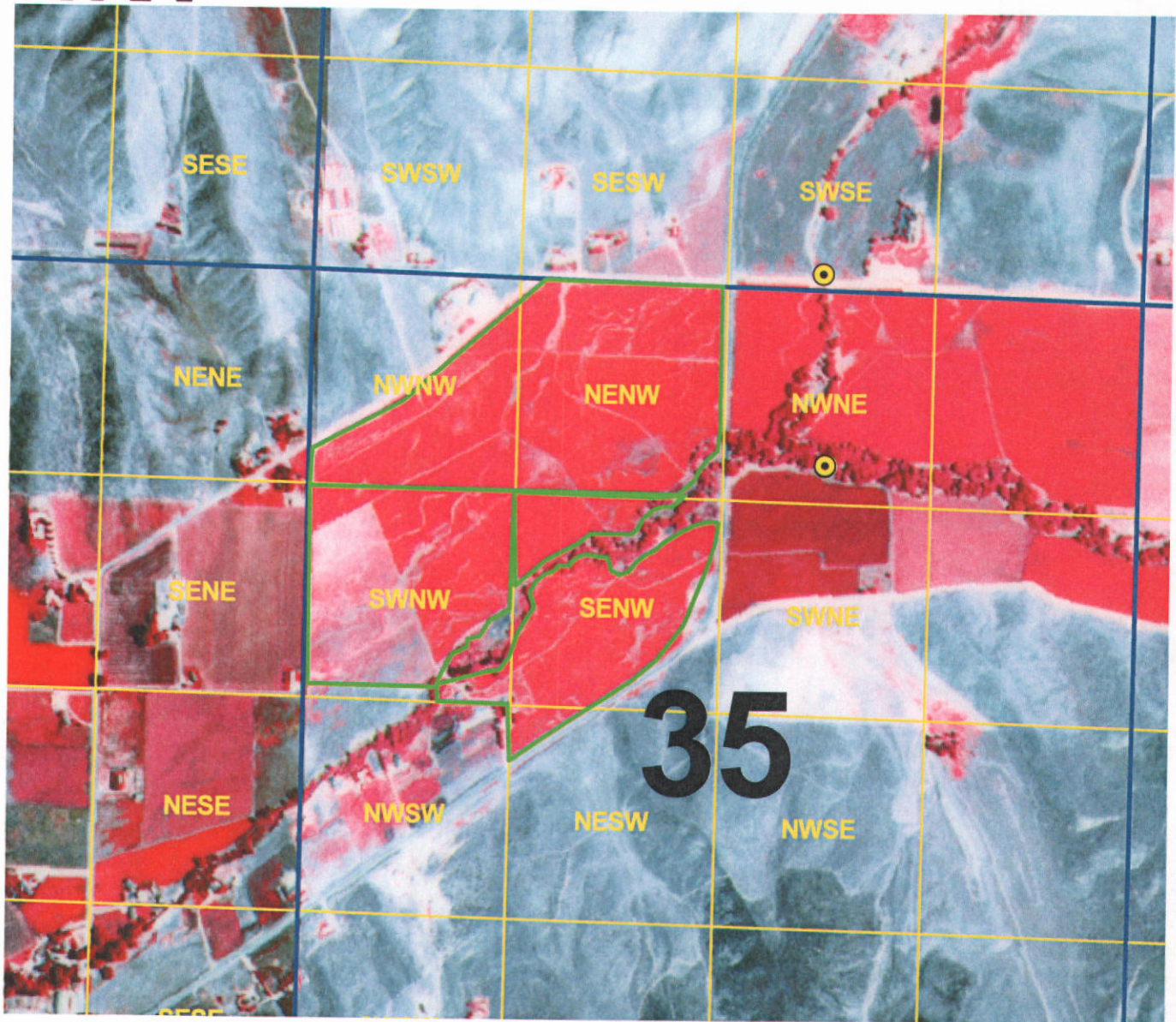
36



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTION 35

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



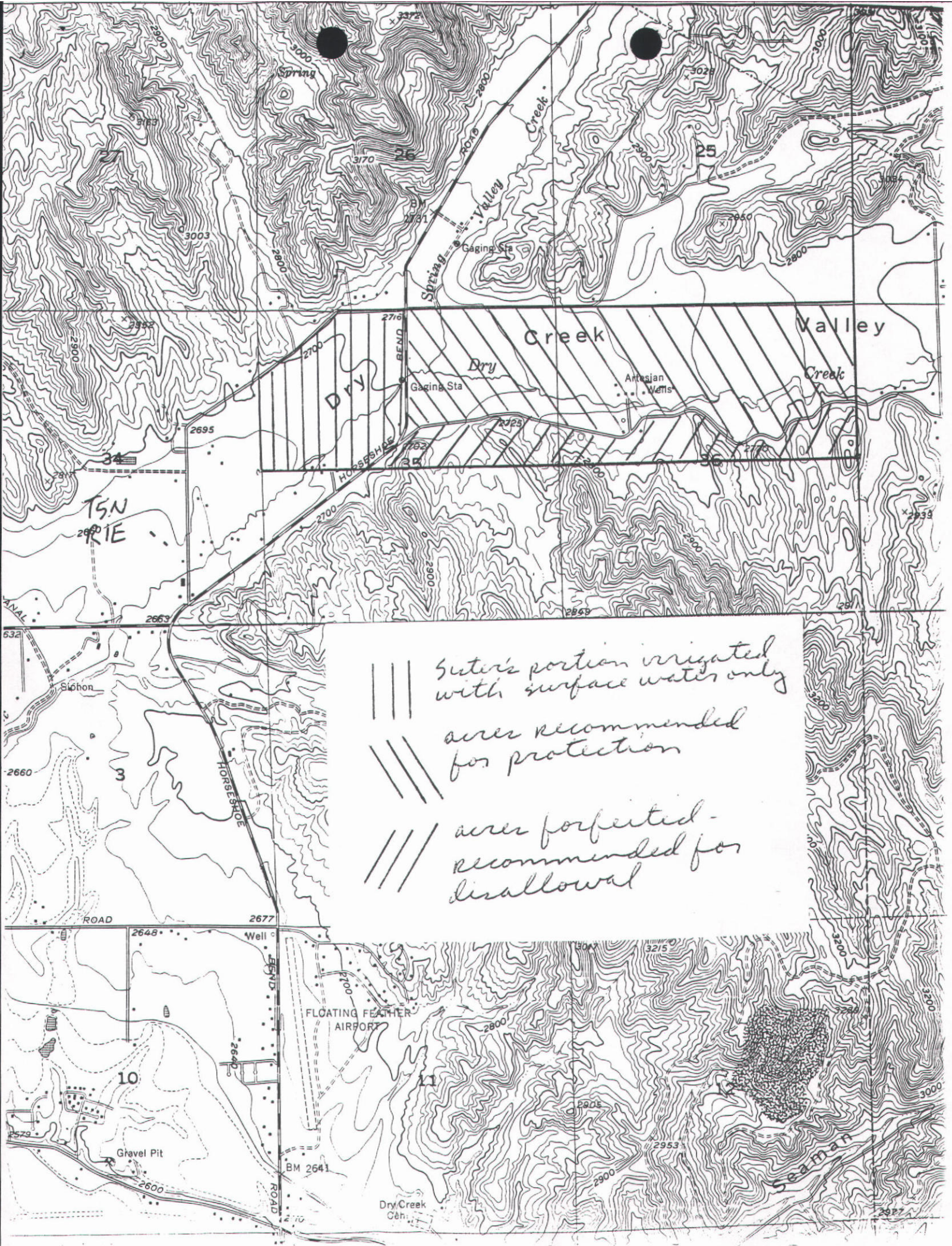
1320 0 1320 2640 Feet

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 water only

||| acres recommended
for protection

||| acres forfeited -
recommended for
disallowal

Idaho Department of Water Resources

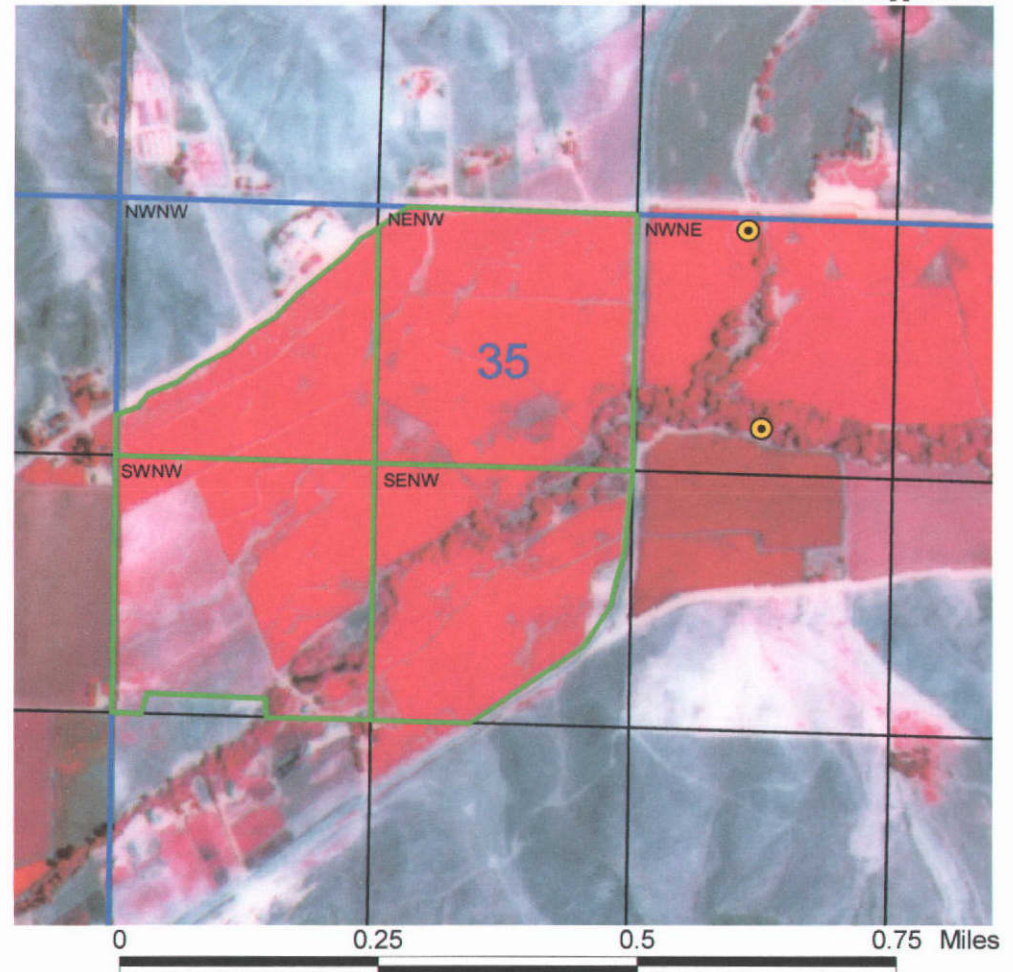
Claim Number: 63-04086A

Legal: T05N, R01E, S35

Reviewed By:

1987 Napp Photo

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



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: A63-04086A
Date Received: 8/11/1989
Receipt No: W004379
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN WEISSHAUPT
Address: 5005 BROOKSIDE LN.
BOISE, ID 83703
OR
Name: MARGARET BRUSHER
Address: 2393 TESSMER RD.
ANN ARBOR, MI 48103
2. Date of Priority: JUL 20, 1960
3. Source: DRY CREEK
SPRING CREEK DITCH
Trib. to: BOISE RIVER
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, DITCH, 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:

A63-04086A

Page 1

Date: 08/11/89

MICROFILMED

AUG 20 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:

A63-04023A, A6304982, A63-04981, A63-4980, 63-07123

14. Remarks:

THIS WATER RIGHT, WHEN COMBINED WITH ALL OTHER WATER RIGHTS, SHALL DIVERT NO MORE THAN 1"/ACRE.

THIS WATER IS DIVERTED FROM THE POINTS INDICATED UNDER SOURCE. THE WATER GOING INTO THE SOURCES COMES OUT OF A WELL WHICH THEY BELIEVE IS LOCATED IN SECTION 36, NE1/4, NE1/4 OF T5N, R1E.

THIS IS A SPLIT WATER RIGHT OFF OF A63-04086.

SEE A63-04023A FOR MAP.

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 Weiskaupt 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

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

Identification No. _____

Claim No. 63-40267

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 is in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 36 Township 5 North
Range 1 East B.M. located on underground water
(name of source)
tributary to _____ 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 20, 1960 amount: 3.20 c.f.s. or _____ acre feet
May 15, 1968 amount: 1.80 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 5.00 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:

use Irrigation period of use from April 1 to October 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (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 pumped; depth of well is 218 feet; diameter of well is 16 inches; type of pump is vertical turbine
capacity of pump is 2700 g.p.m.; name and address of well driller is Kenneth Witt, Caldwell, Idaho (earlier well by Bill M. Lukehart, formerly of Boise, Idaho).

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain (See affidavits attached)

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible (See affidavits attached)

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

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 _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	1E	25											4			22	31		57
		35	15	21	13	13	39	19	36	28									184
		36	38	40	20	8	39	39	17	11									212
5N	2E	30										20							20

Total number of acres to be irrigated 473

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 NA

7. Where water is used for domestic or municipal purposes give number of families served NA
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 NA

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This claim is filed to cover water appropriated originally under Permit G-28423
(63-3179) which had a priority date of February 1, 1960 and was for the amount
of 5.0 cfs. Affidavits of Proof of Completion of Works and Application to
Beneficial Use were due under that permit on June 1, 1965 and at that time the
State of Idaho required that three such affidavits be filed. Through an inadvertent
error, only one such affidavit was filed on that date although the works were in
fact completed and water had been put to beneficial use. It was my understanding
that, notwithstanding this error, the permit would be licensed by the State with
the original priority date of February 1, 1960. When I was advised by the State
on November 9, 1970 that the license would be granted but only with a priority
of May 21, 1965--because of the error in filing affidavits in 1965--I elected
to not pay the licensing fees and in lieu thereof file this Claim to a Water
Right in order to protect the true and equitable priorities established by actual
beneficial use. The attached Affidavits, Exhibits A through J are attached to and
made a part of this claim and it is requested that the file on Permit G-28423 (63-3179)
BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with be

all attached information and certifies that all statements are true and accurate to the best of his knowledge.

March 15 1971
(Date)

Julius J. Fisher
(Signature of Claimant)

similar
incorporated
as a part
this
claim

State of Idaho

County of Lincoln } ss.

On this 15th day of March 19 71, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Caroline D. Leonard
Notary Public residing at Boise, Idaho

My commission expires 5/1/75

For Department Use Only

Received by eg Date 3-19-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date

Prelim. check by eg Date 3-19-71

Fee received by eg Date 3/19/71 Fee \$ 10.00

Approved for publication by _____

Published in Idaho Statesman Dates 4-1 & 4-8, 1971
at Boise, Idaho

63 4086

Remarks - Continued

An additional water right to water from this well is identified as 63-7123. This right is licensed with a priority junior to this claimed right to cover the amount pumped from the well in excess of the 5 cfs. claimed herein. Right 63-7123, 63-4023 and 63-2535 are used in part in conjunction with this claimed right to irrigate the lands described under paragraph 5-a.

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

RIGHT NUMBER: 63-4086A

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

~~MARGARET BRUGHER~~
~~2393 TEGMER 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

PRIORITY DATE: 07/20/1960

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.: 63-4023A, 63-4980, 63-4981 and 63-4982.

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4023A, 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

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

The following rights are also diverted through point of diversion described above: 63-4023A, 63-4980 ,63-4981 and 63-4982.

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

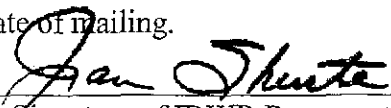
IDWR has completed the following administrative proceeding:

- ☐ 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

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

3. Copies to all parties to the subcase:

Alpine Creek LLC
5529 W School Ridge Rd.
Boise ID 83714

☐ overnight mail
☒ regular mail
☐ 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,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

RECEIVED

APR 20 2005

WATER RESOURCES
WESTERN REGION

Form 42-248/42-1409(6) July, 2000

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

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 Weissaupt 5401 W Parson Dr, Boise ID 83714

Margaret Brasher 2393 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)

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

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PATTERSON PROPERTY



EXCEPTED

35

36

261067
SKM/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 02:27 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer
AMOUNT 6.00
105149314

Being re-recorded to correct legal
description.

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/12/06 10:57 AM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Pioneer
AMOUNT 9.00
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

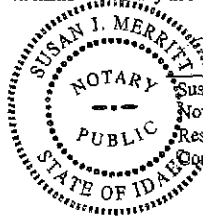
by Heidi M. Patterson

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 $\frac{1}{16}$ th 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 $\frac{1}{16}$ th 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 $\frac{1}{16}$ th 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 $59^{\circ}52'$ 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 $20^{\circ}05'30''$ 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

261067 07
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



AMENDED BARGAIN AND SALE DEED

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

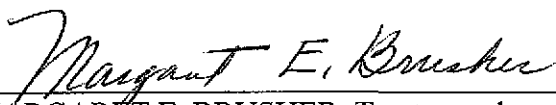
SUBJECT TO easements, claims of easement or encumbrances which are not shown by the public records;

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

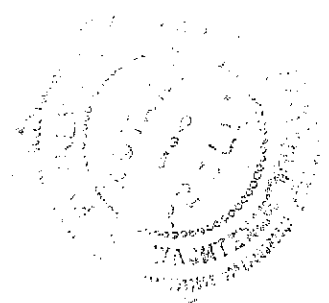
STATE OF Michigan)
) ss.

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. 15, 2008 My Commission Expires Jul. 15, 2008



Parcel A

N 1394496.92 E 231409.40

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;

P6 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

N1395324.43 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:

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

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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



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 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 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.

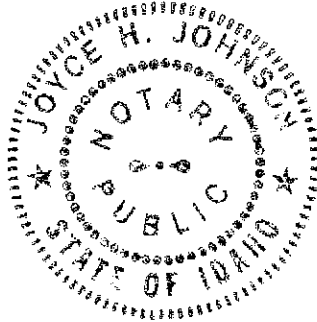
DATED: December 26, 2005

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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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.

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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;

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26/06/05
SEM/HH

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.

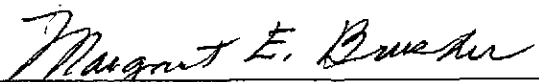
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FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records;

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



EXHIBIT 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;

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EXHIBIT A

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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.

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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

06/02/2005

RECEIVED

APR 20 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-4086A

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:

Please print your name:

Alpine Creek LLC by Heidi Patterson manager

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

REGIONAL OFFICE
PORT WAY
AHO 83705

FIRST CL



UNITED STATES POSTAGE
02 1A
0004388333 \$ 01.290
JUN 06 2005
MAILED FROM ZIP CODE 83702

HELEN WEISSHAUPT
5005 N BROOKSIDE LN
BOISE ID 83703

WEISS005 837142021 1304 03 06/08/05
FORWARD TIME EXP RTN TO SEND
WEISSHAUPT
5529 W SCHOOL RIDGE RD
BOISE ID 83714-9453

RETURN TO SENDER

ESS SERVICE
REQUESTED

63-4086A

63-4023A

63-4982

63-4981

RECEIVED

JUN 03 2005

WATER RESOURCES
WESTERN REGION

05/13/2005

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

RIGHT NUMBER: 63-4086A

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

PRIORITY DATE: 07/20/1960

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.: 63-4023A, 63-4980, 63-4981 and 63-4982.

Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos.: 63-4023A, 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: Beneficial Use

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

The following rights are also diverted through point of diversion described above: 63-4023A, 63-4980, 63-4981 and 63-4982.

Desktop Review/Run

**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 complete

Claim No(s) 03-4086A

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 – *see parent vt.*
- ☐ 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: _____

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

Source: Dry Creek Tributary to _____

- ☒ No Change – SAME SOURCE *ACC for in source < 1997*
- ☐ Source found is different than claimed: _____

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 claim**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-4023A, 63-4080, 63-4001, 63-4992

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

yes all add to same 122 ac.**WATER USES**☒ No change☐ Different Uses

Use irrig From 411 To 1031 Amount 2.44 CFS _____ AFA _____

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

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

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☒ More than 1" per Acre? Yes NA (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: 63-4991, 63-4992

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

Delivery System Narrative:

SBC 11/20/2016 Exam Claim

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

004 ✓ acc ~~box~~ in source < 1997

F06 also div Jura PCD: 63-4023A, 4990, 4991, 4992

✓ E52 limited to 244 cfs w/ rts

✓ E56 limited to 122 acrs w/ following rts: 63 4023A;

(3) evd. of priority in parent file # 4056 B

4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4086A

WATER RIGHT NUMBER: 63-4086A

Owner Type Name and Address
 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: 07/20/1960 ✓

Basis: Beneficial Use ✓

Status: Active

Source
 DRY CREEK
 SPRING CREEK DITCH

Tributary
 BOISE RIVER
 DRY CREEK

) all in source

<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

SPRING CREEK DITCH	NW1/4NE1/4	Sec. 35, Twp 05N, Rge 01E, B.M.
ADA County		
DRY CREEK	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 THAN 1"/ACRE.
 THIS WATER IS DIVERTED FROM THE POINTS INDICATED UNDER SOURCE. THE WATER GOING INTO THE SOURCES COMES OUT OF A WELL WHICH THEY BELIEVE IS LOCATED IN SECTION 36, NE1/4, NE1/4 OF T5N, R1E.
 THIS IS A SPLIT WATER RIGHT OFF OF A63-04086.
 SEE A63-04023A FOR MAP.
 CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS

RTS W/ same POD: 4980, 4023A, 4981, 4982

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4086

WATER RIGHT NUMBER: 63-4086

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

Priority Date: 07/20/1960

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
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	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 36, 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	25												4.0			22.0	31.0	57.0
05N	01E	35	15.0	21.0	13.0	13.0	39.0	19.0	36.0	28.0									184.0
05N	01E	36	38.0	40.0	20.0	8.0	39.0	39.0	17.0	11.0									212.0
05N	02E	30											20.0						20.0

Total Acres: 473

Conditions of Approval:Remarks:

- General PRIORITIES ARE 7-20-1960 OF 3.2 CFS & 5-15-1968 OF 1.8 CFS.
BASED ON EXPIRED PERMIT 63-3179.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4086A

03/21/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1023A	Claim	05N	01E	35	NE	NW		IRRIGATION	39/122	MARGARET BRUSHER
1086A	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
1023A	Claim	05N	01E	35	NW	NW		IRRIGATION	19/122	MARGARET BRUSHER
1086A	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
1023A	Claim	05N	01E	35	SW	NW		IRRIGATION	36/122	MARGARET BRUSHER
1086A	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
1023A	Claim	05N	01E	35	SE	NW		IRRIGATION	28/122	MARGARET BRUSHER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4086A

03/21/2005

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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
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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

SC Dry Cr.
SC Dry Cr.
SC Dry Creek
IC - RW
BLU Dry Cr.

Print Report

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.

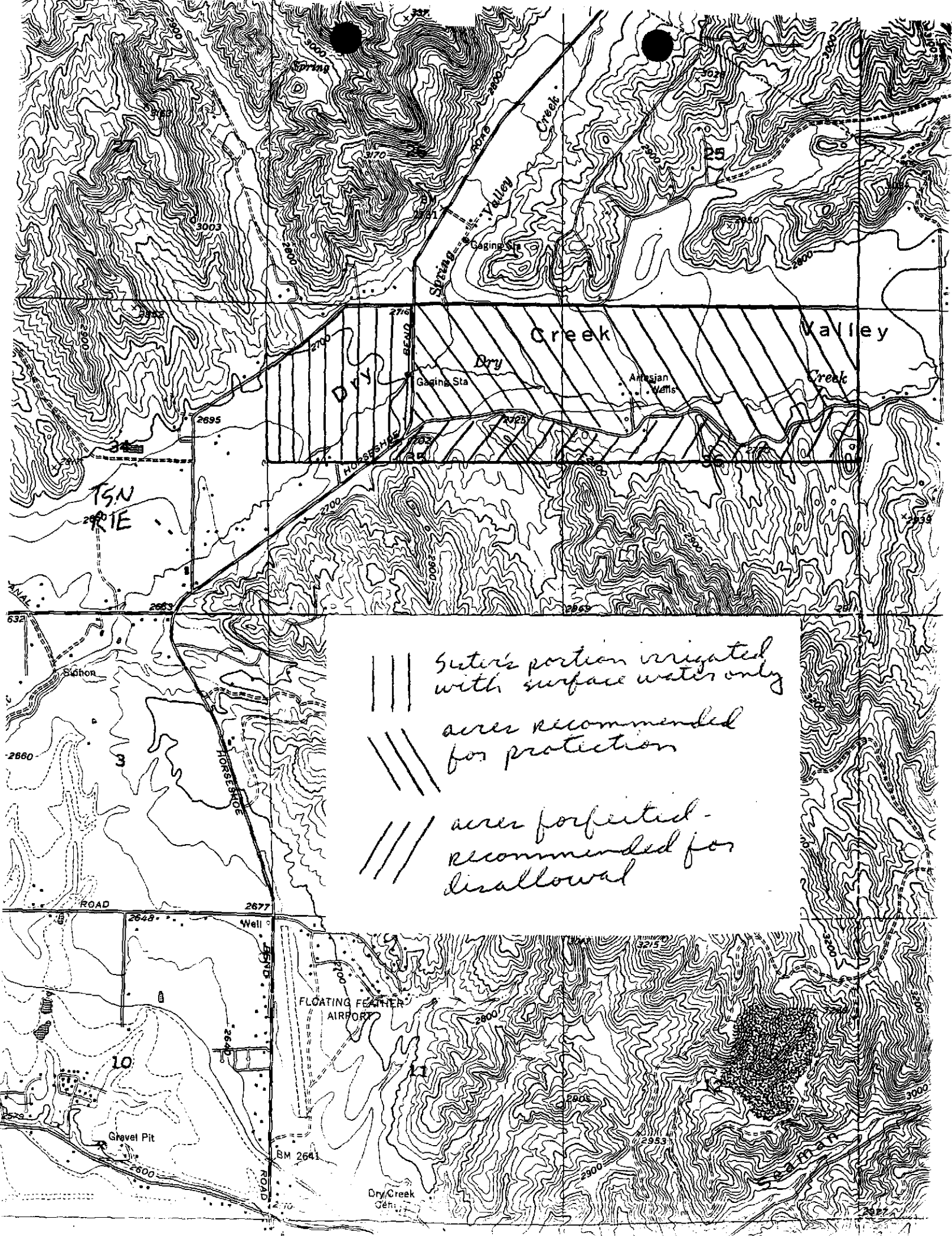
Two licenses and two statutory claims are used for irrigation, with overlapping p/u and p/d's. 510 total acres irrigated was licensed for 63-07123, and capacity of the NENE sec 36 well was calculated at 9.49 cfs, however total system capacity has yet to be determined. The SRBA claims were basically filed as recorded except that the two statutory claims were split to reflect the portion of the farm owned separately by applicant's sister (Helen Weissaupt). 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



/// Suter's portion irrigated
with surface water only

/// acres recommended
for protection

/// acres forfeited -
recommended for
disallowal

MEMO TO FILE
A63-4086A

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 20 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 20 1992

CONVERSATION MEMORANDUM

DATE 8-16-89FILE AG3-4023A~~AG3-4086A~~NAME OF PARTY Helen WusskaupfEMPLOYEE Linda Werner

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.

They will be sending a copy of
the deed - Per Helen & Mrs Wusskaupf -
@ 0945.

MICROFILMED

AUG 20 1992

WR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: A63-04086A 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									
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 122

Overlapping POU Claim #'s:

A63-04023A

Total GIS Acres: 133

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-04086A

Legal: T05N, R01E, S35

Reviewed By:

1987 Napp Photo



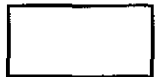
Point of Diversion



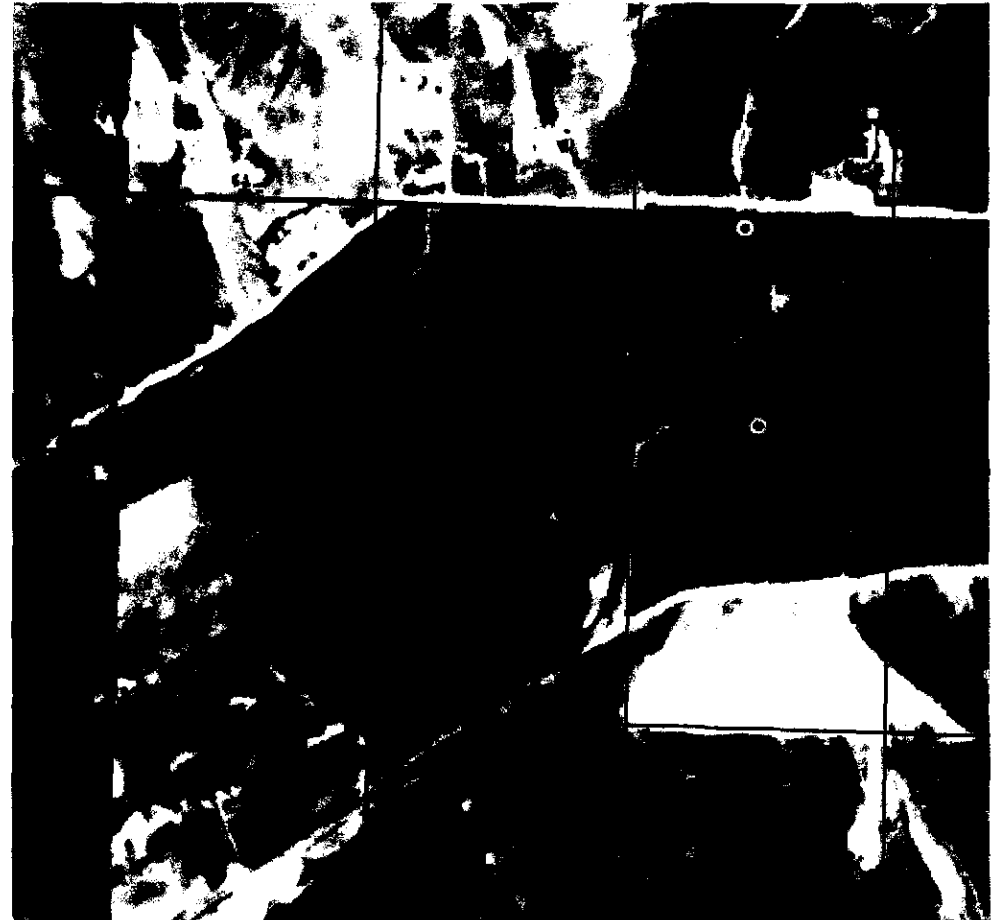
Place of Use



Section Lines



Quarter Quarter Lines



0 0.25 0.5 0.75 Miles

