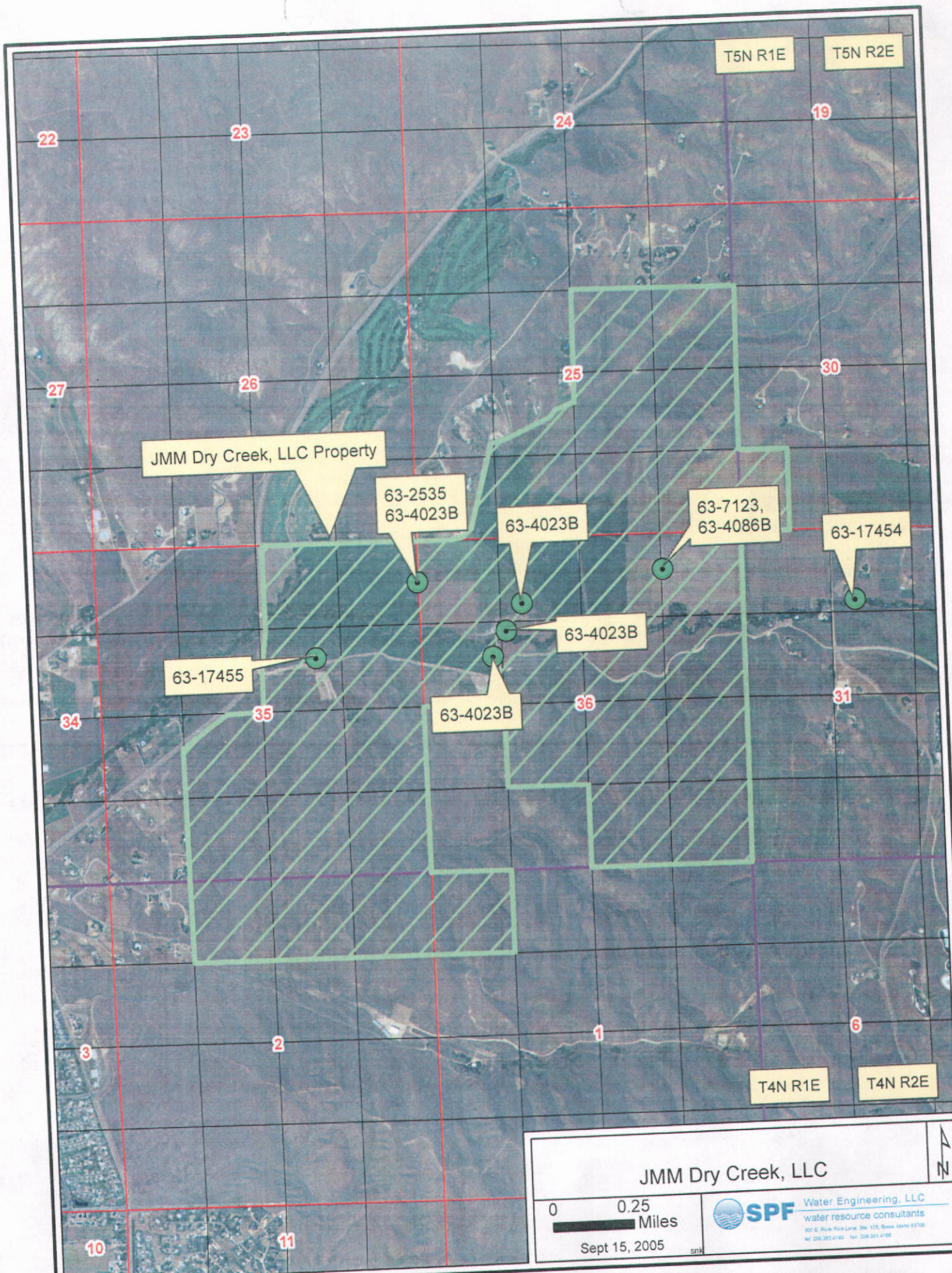
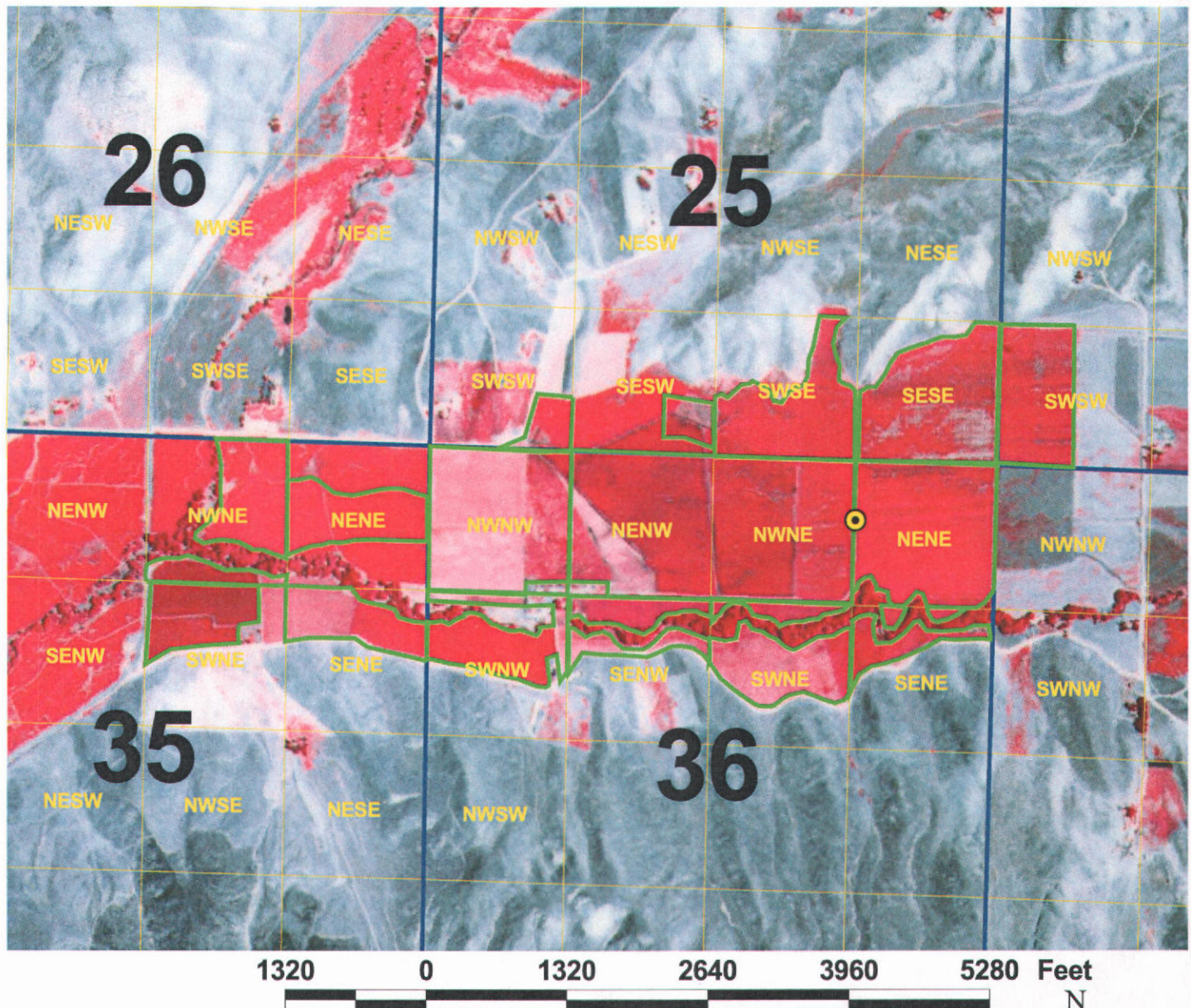






State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTIONS 25, 35 and 36
T5N R2E SECTION 30
Water Right (s): 63-4086B



TOTAL IRRIGATED ACRES = 359



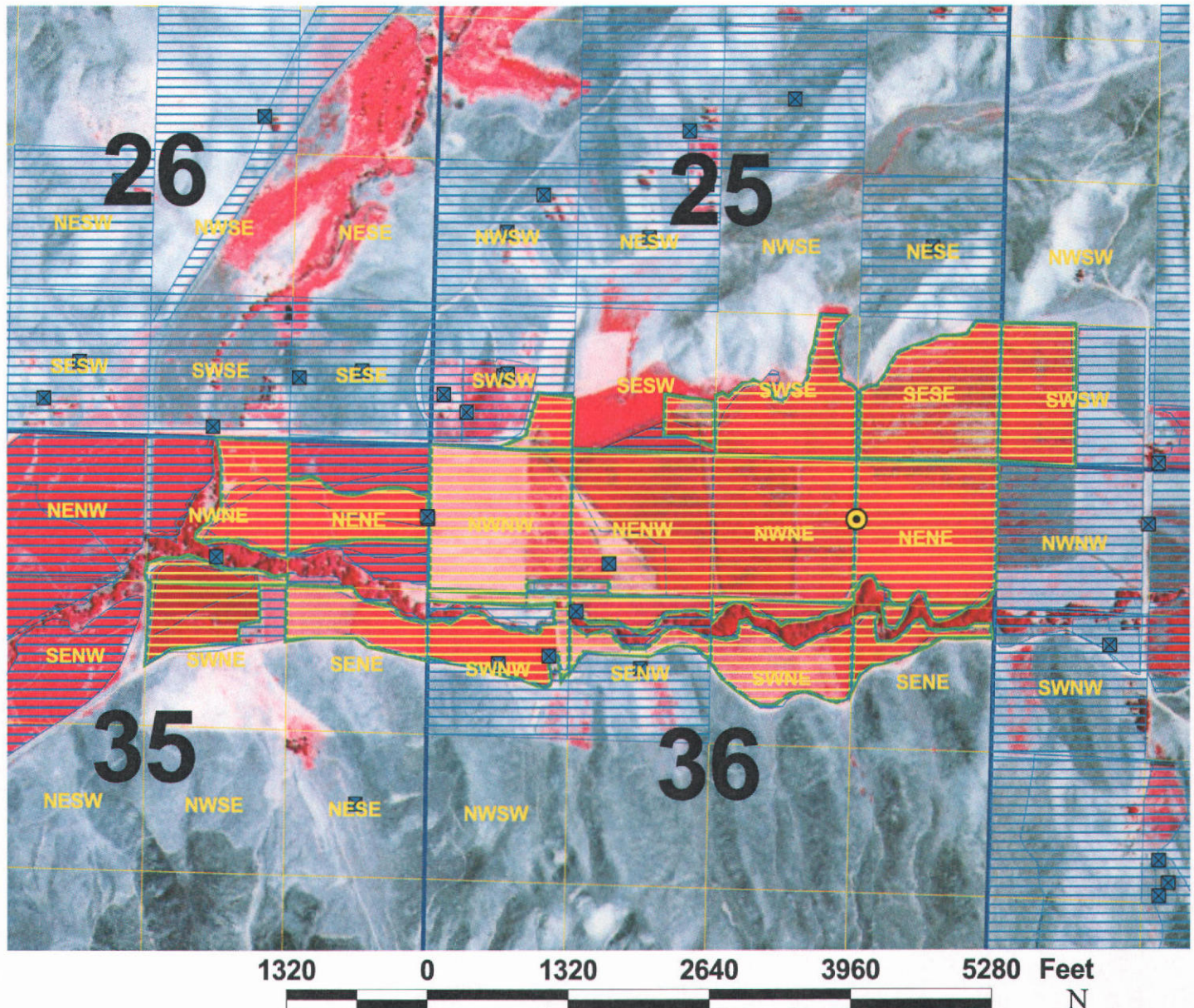
- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

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



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTIONS 25, 35 and 36
T5N R2E SECTION 30
Water Right (s): 63-4086B

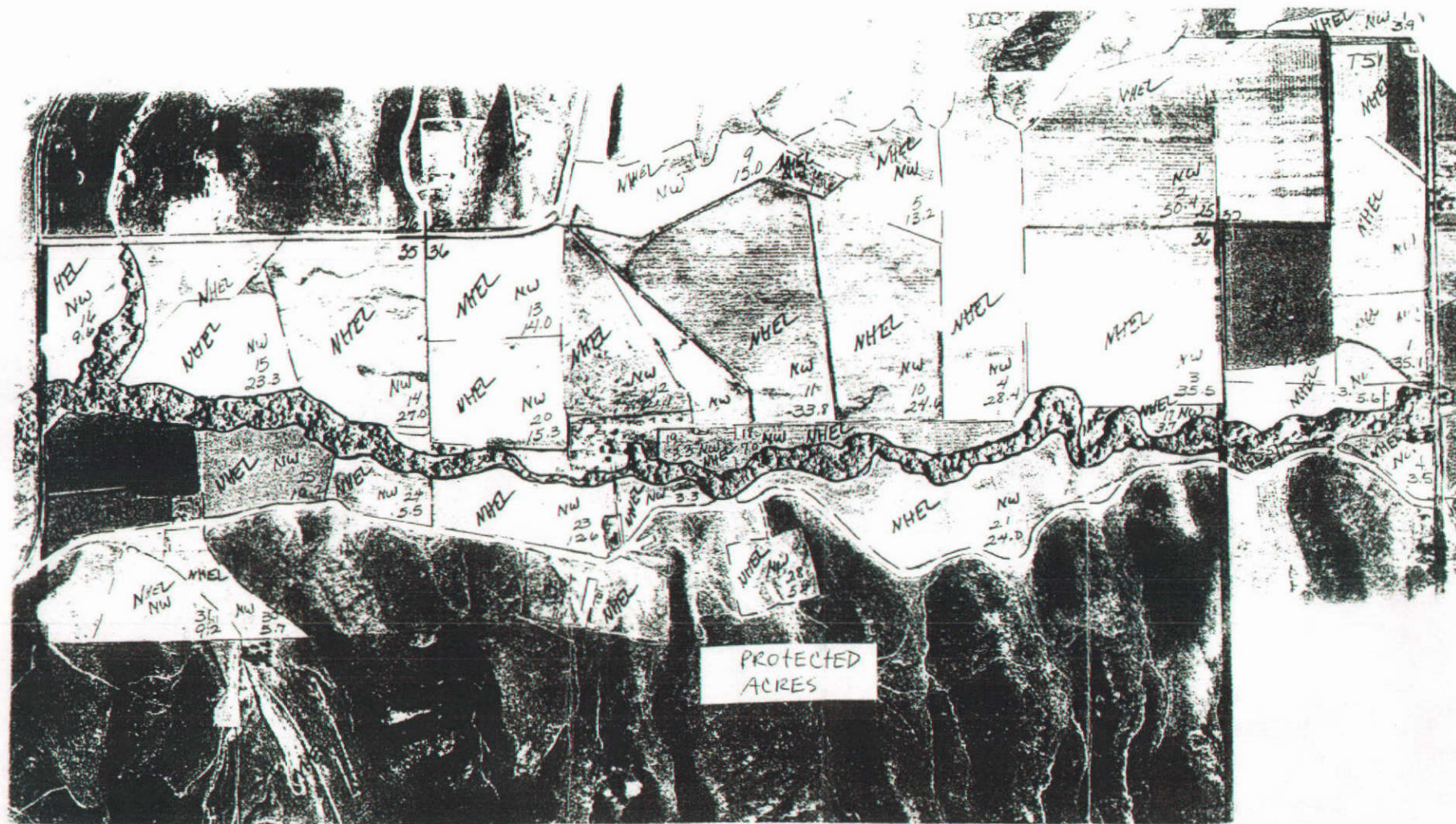


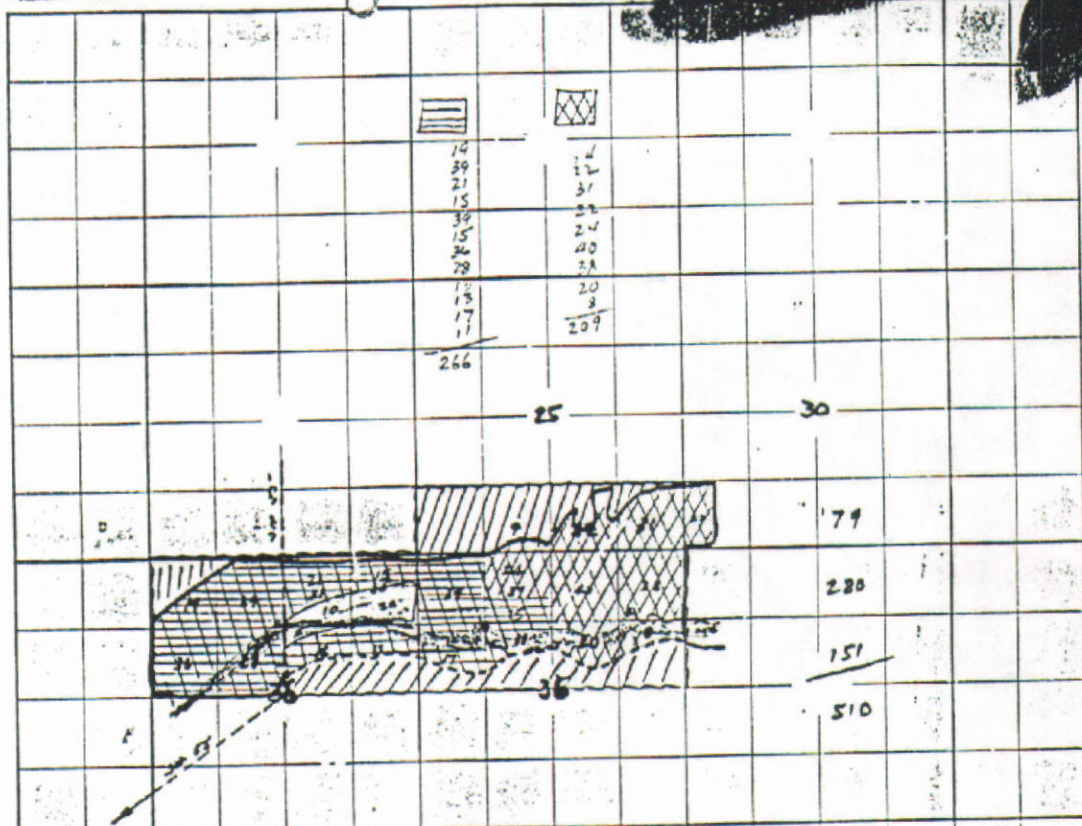
TOTAL IRRIGATED ACRES = 359



- 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





		Acre Filed on	cfs Allowed	Acre for Beneficial Use	cfs Per Acre
Lic 270 cfs = 18495		35	.700cfs	35	.02cfs
Claim 300cfs = 63-4023	350	3.0 cfs	266	.0127cfs .00127cfs .0173cfs	
Permit 500cfs 63-3179 6-28 723	620	5.00cfs 3.22 1.61 cfs	304	.0162cfs	
Permit 2.0cfs = 63-7123	620	0.19 cfs		.000cfs	

9.49cfs 510 Acre = Total irrigated

MICROFILMED

FEB 03 2000

Total volume of divisions of
Permits 18495, 63-4023, 63-3179
and 63-7123 shall not exceed
2295 Acre feet

Priority 7-11-68

Q measured 5.79 cfs

Q recommended 0.79 cfs

Volume 2295 AF (45x500)

Acresage 620

Found 510

recommended 510

Subdv. 20

Amendments

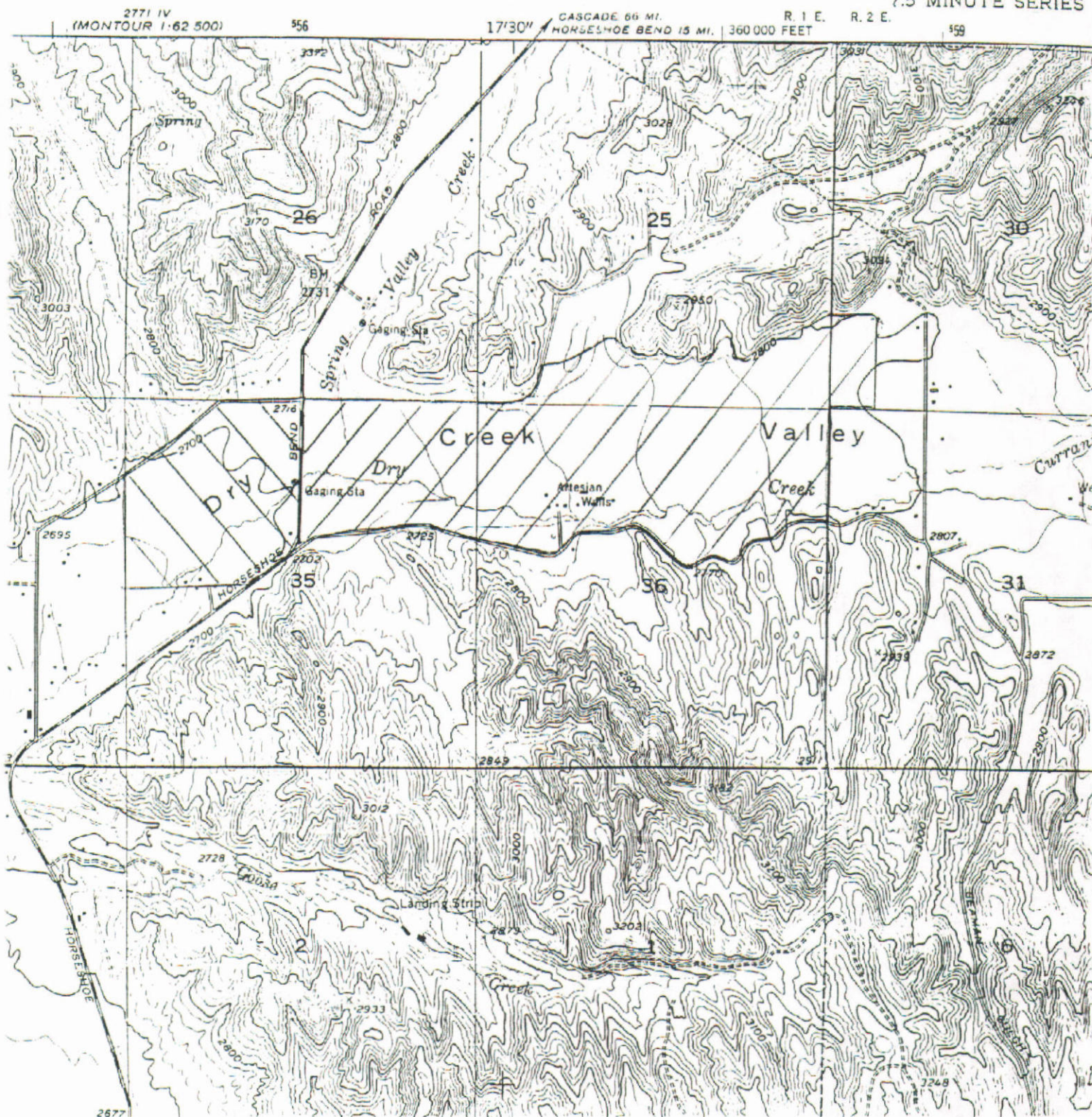
☐ None

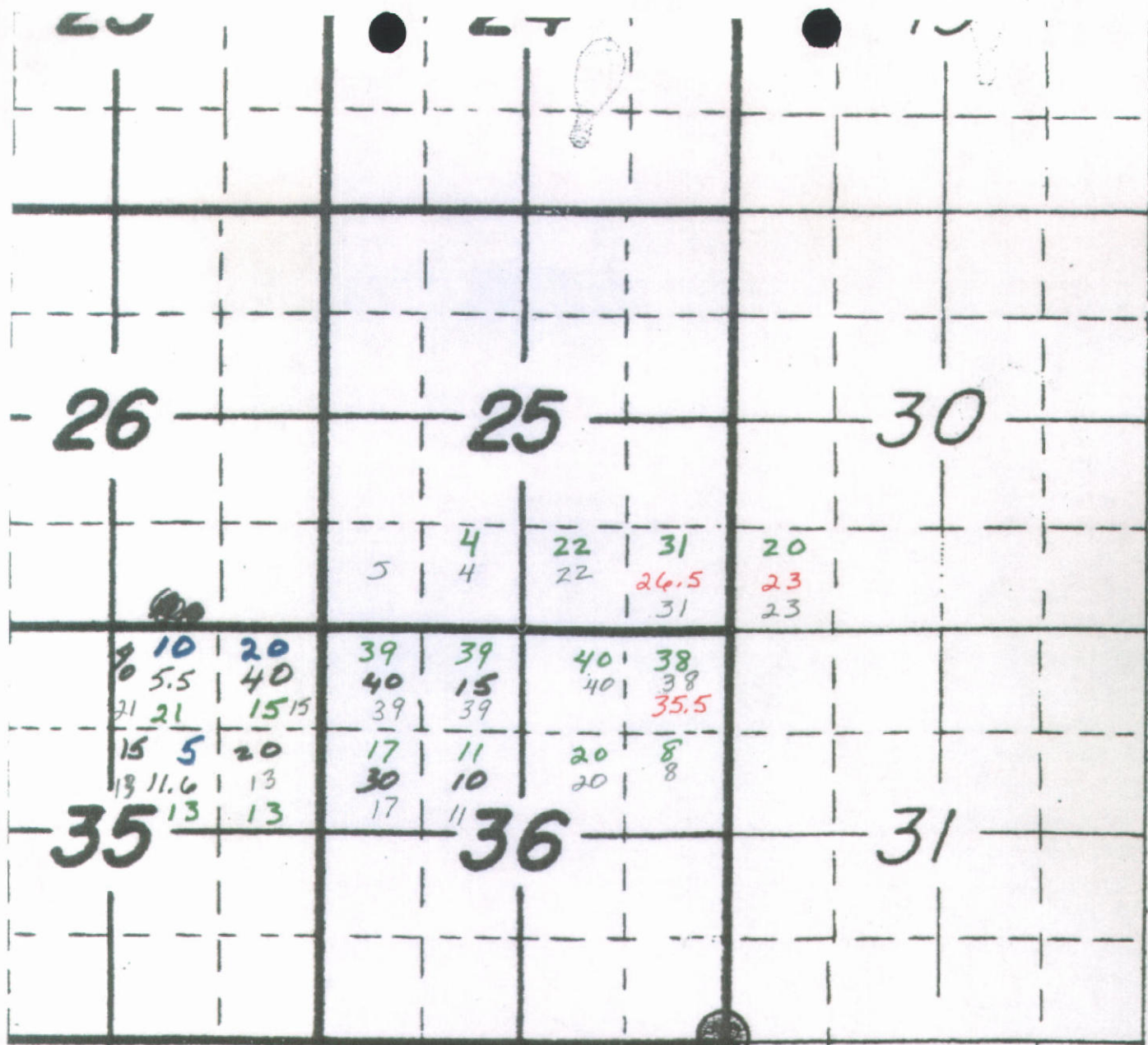
☐ P.D.

☐ Place of use

TSN
RIE

7.5 MINUTE SERIES





SE Corner

2 1 6

4086 B - GW - 7-20-69 - Bu - 5 cfs - 359
 4023 B - GW - 7-11-27 - Bu - 3 cfs - 210

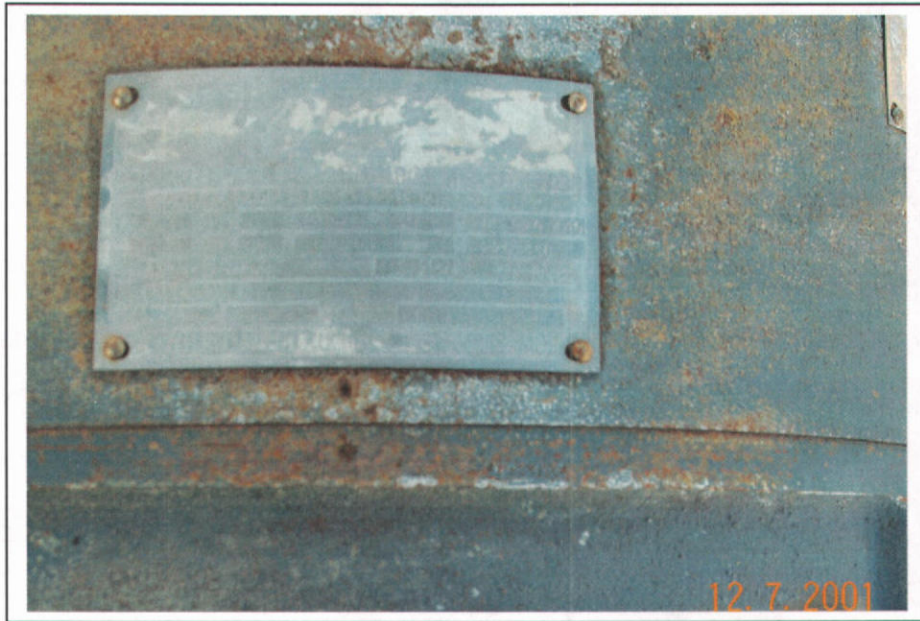
2535 - GW - 8-24-1937 - L - .7 - 35

17455 - GW - 5-20-1930 - Bu - .41 - 17.1

7123 - GW - 7-11-1968 - L - .79 - 351

17454 - DC - 3-20-1938 - Bu - 1.7 cfs - 85

License # 7123 473 ac - 5.79
 .79 cfs





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: **A63-04086B**
Date Received: 8/15/1989
Receipt No: W004488
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JULIUS JEKER 208-939-6235
Address: 6598 DRY CREEK RD
BOISE ID 83703

2. Date of Priority: JUL 20, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	36		NE	NE		ADA

5. Description of diverting works:
220' DEEP, 16" CS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		

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

8. Total consumptive use is 1256.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01E	25	SW	SW		IRR	5.0
			SE	SW		IRR	4.0
			SW	SE		IRR	22.0
			SE	SE		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	62.0
		35	NE	NE		IRR	15.0
			NW	NE		IRR	21.0
			SW	NE		IRR	13.0
			SE	NE		IRR	13.0
						Section Acres	62.0
		36	NE	NE		IRR	38.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	8.0
			NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	17.0
			SE	NW		IRR	11.0
						Section Acres	212.0
	02E	30	SW	SW		IRR	23.0
						Section Acres	23.0
						Total Acres	359.0

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:

A63-04023B, A63-7123, A63-17455, A6302535, A63-17454

14. Remarks:

PRIORITIES ARE 7/20/1960 OF 3.2 CFS & 5/15/1968 OF 1.8 CFS.
BASED ON EXPIRED PERMIT 63-3179. SEE A63-07123.

THE WATER LISTED AS POD ON WR A63-04086A IS WASTEWATER OR
CREEK FLOW.

DELETED 122 ACRES FROM NW1/4 OF SECTION 35 AND ADDED 3 ACRES
TO SECTION 30, SW1/4, SW1/4.

ADDENDUM TO FILE-THERE IS ALSO AN ADDITIONAL 5 ACRES IN
THE SW1/4, SW1/4 OF SECTION 25, T5N, R1E. L.W.-8/22/89
ADDRESS CHANGED PER CLAIMANT REQUEST. DB 5/12/99

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES RECEIVED

CHANGE IN ADDRESS OF NOTICE OF CLAIM

JAN 19 1999

WATER RESOURCES
WESTERN REGION

[] Water Right Number(s): 63-17451, 63-17452, 63-17453
A63-02535, A63-04023B, A63-04086B,
A63-07123, A63-17454, A63-17455

[] Claimant Name(s): JULIUS JEKER
RT. 1, DRY CREEK RD
BOISE, ID 83703

[] Old Mailing Address:

[] New Mailing Address: JULIUS JEKER
6598 DRY CREEK RD
BOISE, ID 83703

Telephone Number: (208) 939 - 6235

X [] Signature of Claimant(s): Julius Jeker
X Date: Jan 15 - 1999

Receipt Details for ID W004488

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/15/1989 4:21:43 PM	8/15/1989	Western	\$815.00	Check
Payer		JEKER, JULIUS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5698			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$815.00	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	17454		\$50.00	Claim
63	17455		\$50.00	Claim
63	2535		\$50.00	Claim
63	7123		\$50.00	Claim
63	4023	B	\$50.00	Claim
63	4086	B	\$490.00	Claim
63	17451		\$25.00	Claim
63	17452		\$25.00	Claim
63	17453		\$25.00	Claim

Dry Cr Inv
 G.W. - Inv
 G.W. - DOM, Inv
 G.W. - Inv
 G.W. - Inv
 G.W. - Inv
 D/S
 D/S
 D/S

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: A63-04086B
Date Received: 8/15/1989
Receipt No: W004488
Received By: LC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JULIUS JEKER 208-939-6235
Address: RT 1, DRY CREEK RD.
BOISE, ID 83703

2. Date of Priority: JUL 20, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	01E	36	NE	NE			ADA

5. Description of diverting works:
220' DEEP, 16" CS, 2 PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		

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

8. Total consumptive use is 1256.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01E	25	SW	SW		IRR	5.0
			SE	SW		IRR	4.0
			SW	SE		IRR	22.0
			SE	SE		IRR	31.0

Section Acres 62.0

A63-04086B

Page 1

Date: 08/15/89

MICROFILMED
AUG 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	01E	35	NE		NE		IRR	15.0
			NW		NE		IRR	21.0
			SW		NE		IRR	13.0
			SE		NE		IRR	13.0
						Section Acres		62.0
		36	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SW		NE		IRR	20.0
			SE		NE		IRR	8.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	17.0
			SE		NW		IRR	11.0
						Section Acres		212.0
	02E	30	SW		SW		IRR	23.0
						Section Acres		23.0
						Total Acres		359.0

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:

A63-04023B, A63-7123, A63-17455, A6302535, A63-17454

14. Remarks:

PRIORITIES ARE 7/20/1960 OF 3.2 CFS & 5/15/1968 OF 1.8 CFS.
BASED ON EXPIRED PERMIT 63-3179. SEE A63-07123.

THE WATER LISTED AS POD ON WR A63-04086A IS WASTEWATER OR
CREEK FLOW.

DELETED 122 ACRES FROM NW1/4 OF SECTION 35 AND ADDED 3 ACRES
TO SECTION 30, SW1/4, SW1/4.

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: 1

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): x *Julian Jebel* Date: x 8-15-89
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of August 19 89

Linda Werner
Notary Public

Seal

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

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

RIGHT NUMBER: 63-4086B

NAME AND ADDRESS: JMM DRY CREEK LLC
2301 N AKARD #200
DALLAS TX 75201

~~JULIUS JEKER~~
~~6598 DRY CREEK RD~~
~~BOISE ID 83703~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,615.500 AFY

Use of this right with Right No. 63-7123 is limited to a total combined diversion rate of 5.79 cfs.

PRIORITY DATE: 07/20/1960

POINT OF DIVERSION:

T05N R01E S36 NENE 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	5.000 CFS 1,615.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S25	SWSW	5.00	T05N R01E S25	SESW	4.00
T05N R01E S25	SWSE	22.00	T05N R01E S25	SESE	31.00
T05N R01E S35	NENE	15.00	T05N R01E S35	NWNE	21.00
T05N R01E S35	SWNE	13.00	T05N R01E S35	SENE	13.00
T05N R01E S36	NENE	38.00	T05N R01E S36	NWNE	40.00
T05N R01E S36	SWNE	20.00	T05N R01E S36	SENE	8.00
T05N R01E S36	NENW	39.00	T05N R01E S36	NWNW	39.00
T05N R01E S36	SWNW	17.00	T05N R01E S36	SENW	11.00
T05N R02E S30	SWSW	23.00			

359 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 392 acres in a single irrigation season. Combined Right Nos.: 63-2535, 63-4023B, 63-7123 and 63-17454.

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 No. 63-7123 is also diverted through point of diversion described above.

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: 63-2535, 63-4023B
	)	63-4086B, 63-7123, 63-17454,
Case No. 39576	)	63-17455
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
	)	PROCEEDING

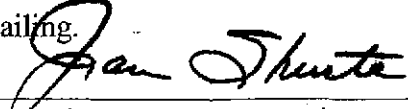
IDWR has completed the following administrative proceeding:

- ☐ 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 | |

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: April 21, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 21, 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
Off ice 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

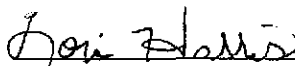
3. Copies to all parties to the subcase:

JMM Dry Creek LLC
2301 N Akard #200
Dallas TX 75201

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

Julius Jeker
6598 Dry Creek Rd.
Boise ID 83703

☐ 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

April 21, 2006

JMM DRY CREEK LLC
2301 N AKARD #200
DALLAS TX 75201

Re: Water Right Nos. 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, 63-17455

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 filing. 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:1
Enclosures

cc: Scott King-SPF Water Engineering

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

RECEIVED

NOV 16 2005

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
	63-17454 VM			63-17455 VM	
63-7123	63-7123 VM		63-17451 WS		
63-4023	63-4023B VM		63-17452 WS		
63-4086	63-4086B VM		63-17453 WS		
63-2535	63-2535 VM				

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) JULIUS JEKER
6598 DRY CREEK RD. BOISE, ID 83703
4. New Owner/Claimant(s) JMM DRY CREEK, LLC
 Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2301 N AKARD #200
- City, State and ZIP Code DALLAS, TX 75201
- New Telephone Number (702) 851-3999
5. Date you acquired the property August 15, 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)
(include title if applicable)

Rich E. Tetamant, Manager
Jmm Org Creel, LLC.

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 <i>[Signature]</i>	Date <i>11-16-05</i>	Fee <i>\$75.00</i>
Received by <i>[Signature]</i>	Date <i>11-16-05</i>	Receipt No. <i>W033606</i>
Processed by <i>[Signature]</i> AJ	Date <i>4-18-06</i>	WR _____ Date _____

254381
sem/HH

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 08/15/05 04:49 PM
DEPUTY Neava Haney
RECORDED-REQUEST OF
Pioneer

AMOUNT 27.00 9



BARGAIN AND SALE DEED

FOR VALUE RECEIVED, JULIUS JEKER, the Grantor, does hereby grant, bargain, sell and convey unto JMM DRY CREEK, LLC, the Grantee, whose address is 2301 N. Akard #200 Dallas tx 75201, all his right, title and interest in the following described premises, to-wit:

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

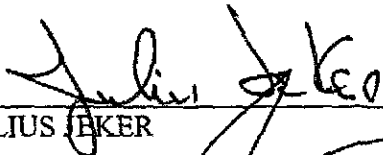
THIS CONVEYANCE IS MADE SUBJECT ONLY TO THOSE easements, claims of easements or encumbrances which are not shown by the public records, but which would be disclosed by an accurate survey or inspection of the premises; and

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which would be disclosed by an accurate survey or inspection of the premises; and

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, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the premises as well in law as in equity, except as expressly provided otherwise herein, unto said Grantee, its heirs, successors and assigns forever.

DATED: 8-15, 2005



JULIUS JEKER


By _____
E. DON COPPLE, His Attorney-in-Fact

Project No. 05-118

May 11, 2005

Jeker Property Description

The South 1/2 of the NE 1/4, the SE 1/4, and that portion of the SW 1/4 lying southeasterly of Brookside Lane in Section 25; The North 1/2, the SE 1/4, and the NE 1/4 of the SW 1/4 of Section 36; The East 1/2 of Section 35 lying East of State Highway 55, and the East 1/2 of the SW 1/4 of Section 35 lying southeasterly of State Highway 55, T.5N., R.1E., B.M.; and Government Lot 4 of Section 1, Government Lots 1, 2, and 3 of Section 2, T.4N., R.1E., B.M.; and the "West 23 acres" of Government Lot 4 of Section 30, T.5N., R.2E., B.M., Ada County, Idaho, more particularly described as follows: **BEGINNING** at the corner common to Sections 25, 26, 35, and 36, T.4N., R.1E., B.M.,

Thence North $00^{\circ}06'52''$ East, 25.46 feet to the apparent center of Brookside Lane;

Thence along the center of said lane South $88^{\circ}10'32''$ East, 414.96 feet;

Thence North $84^{\circ}26'48''$ East, 277.62 feet;

Thence 321.30 feet along the arc of a curve to the left, having a radius of 260.00 feet, a central angle of $70^{\circ}48'16''$, and a long chord bearing North $49^{\circ}02'40''$ East, 301.24 feet;

Thence North $13^{\circ}38'31''$ East, 1286.35 feet;

Thence 81.82 feet along the arc of a curve to the right, having a radius of 70.00 feet, a central angle of $66^{\circ}58'28''$, and a long chord bearing North $47^{\circ}07'45''$ East, 77.25 feet;

Thence North $80^{\circ}37'00''$ East, 181.40 feet;

Thence North $69^{\circ}10'10''$ East, 415.26 feet;

Thence North $66^{\circ}37'43''$ East, 384.36 feet;

Thence South 00°38'53" West, 1302.59 feet to a point on the South line of said Lot 4;

Thence along said line North 88°17'01" West, 782.13 feet to the corner common to said Sections 25, 30, 31, and 36;

Thence South 00°09'290" West, 2700.86 feet to the ¼ corner common to said Sections 36 and 31;

Thence South 00°22'41" West, 2612.62 feet to the Southeast corner of said Section 36;

Thence North 89°20'55" West, 2632.43 feet to the 1/4 corner common to said Section 1 and 36;

Thence North 00°02'04" West, 1317.63 feet to the C-S 1/16 corner of said Section 36;

Thence North 89°06'13" West, 1319.24 feet to the SW 1/16 corner of said Section 36;

Thence North 00°09'52" West, 1323.24 feet to the C-W 1/16 corner of said Section 36;

Thence North 88°51'46" West, 1322.34 feet to the 1/4 corner common to said Section 35 and 36;

Thence South 00°17'36" East, 2657.71 feet to the corner common to said Section 1, 2, 35, and 36;

Thence South 89°20'44" East, 1316.16 feet to the Northeast corner of Government Lot 4 of said Section 1;

Thence South 00°01'40" East, 1335.45 feet to the NW 1/16 corner of said Section 1;

Thence North 89°28'42" West, 1319.47 feet to the North 1/16 corner common to said Sections 1 and 2;

Thence along the South line of Lots 1 and 2 of said Section 2 North 89°16'39" West, 2630.92 feet to a found 5/8" iron pin marking the C-N 1/16 corner of said Section 2;

Thence along the South line of Government Lot 3 North 88°12'56" West, 1335.70 feet to a found 1/2" iron pin marking the Southeast corner of Mary Glen

Thence 152.13 feet along the arc of a non-tangent curve to the left, having a radius of 930.00 feet, a central angle of $9^{\circ}22'21''$, and a long chord bearing South $80^{\circ}22'33''$ West, 151.96 feet;

Thence South $75^{\circ}41'23''$ West, 122.86 feet;

Thence 187.79 feet along the arc of a curve to the right, having a radius of 320.00 feet, a central angle of $33^{\circ}37'27''$, and a long chord bearing North $87^{\circ}29'54''$ West, 185.11 feet to a point on the easterly right-of-way of State Highway 55 lying on the North-South mid-section line of said Section 35;

Thence along said easterly right-of-way North $00^{\circ}21'27''$ West, 10.28 feet;

Thence 258.12 feet along the arc of a non-tangent curve to left, having a radius of 858.60 feet, a central angle of $17^{\circ}13'29''$, and a long chord bearing North $9^{\circ}10'33''$ East, 257.15 feet;

Thence North $00^{\circ}33'58''$ East, 39.68 feet;

Thence 369.18 feet along the arc of a non-tangent curve to the left, having a radius of 1697.02 feet, a central angle of $12^{\circ}27'52''$, and a long chord bearing North $6^{\circ}47'55''$ East, 368.45 feet;

Thence North $00^{\circ}33'58''$ East, 1324.59 feet to a point on the North line of the NE 1/4 of said Section 35, said point bears South $89^{\circ}19'03''$ East, 110.50 feet from the North 1/4 corner of said Section 35;

Thence along said North line South $89^{\circ}19'03''$ East, 2532.31 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described right-of-way parcel described in Instrument No. 95055309, Ada County Records, more particularly described as follows: Commencing at the Center of Section 35, T.5N., R.1E., B.M., Ada County, Idaho; Thence along the North-South mid-section line North $00^{\circ}21'27''$ West, 478.89 feet to a point on the southerly right-of-way of Dry Creek Road;

Thence along said right-of-way North $57^{\circ}17'42''$ East, 175.22 feet;

Thence 75.20 feet along the arc of a curve to the right, having a radius of 561.27 feet, a central angle of $7^{\circ}40'34''$, and a long chord bearing North $61^{\circ}07'58''$ East, 75.14 feet to the **REAL POINT OF BEGINNING**.



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for JMM DRY CREEK, L.L.C.](#)]

JMM DRY CREEK, L.L.C.

2301 N AKARD STE 200
DALLAS, TX 75201

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 10 Aug 2005

State of Origin: TEXAS

Date of 10 Aug 2005

Origination/Authorization:

Current Registered Agent: CT CORPORATION SYSTEM
300 N 6TH ST
BOISE, ID 83702

File Number: W41798

Date of Last Annual Report:

Amendments:

Amendment filed 10 Aug 2005 REG. OF FOREIGN

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[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



SPF Water Engineering, LLC
water resource consultants

RECEIVED

NOV 16 2005

WATER RESOURCES
WESTERN REGION

November 15, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Subject: Ownership Change and Notices of Error for JMM Dry Creek, LLC

On behalf of our client, enclosed is a Notice of Change in Water Right Ownership from Julius Jeker to JMM Dry Creek, LLC. A \$75 check is included for the three rights not pending SRBA recommendations.

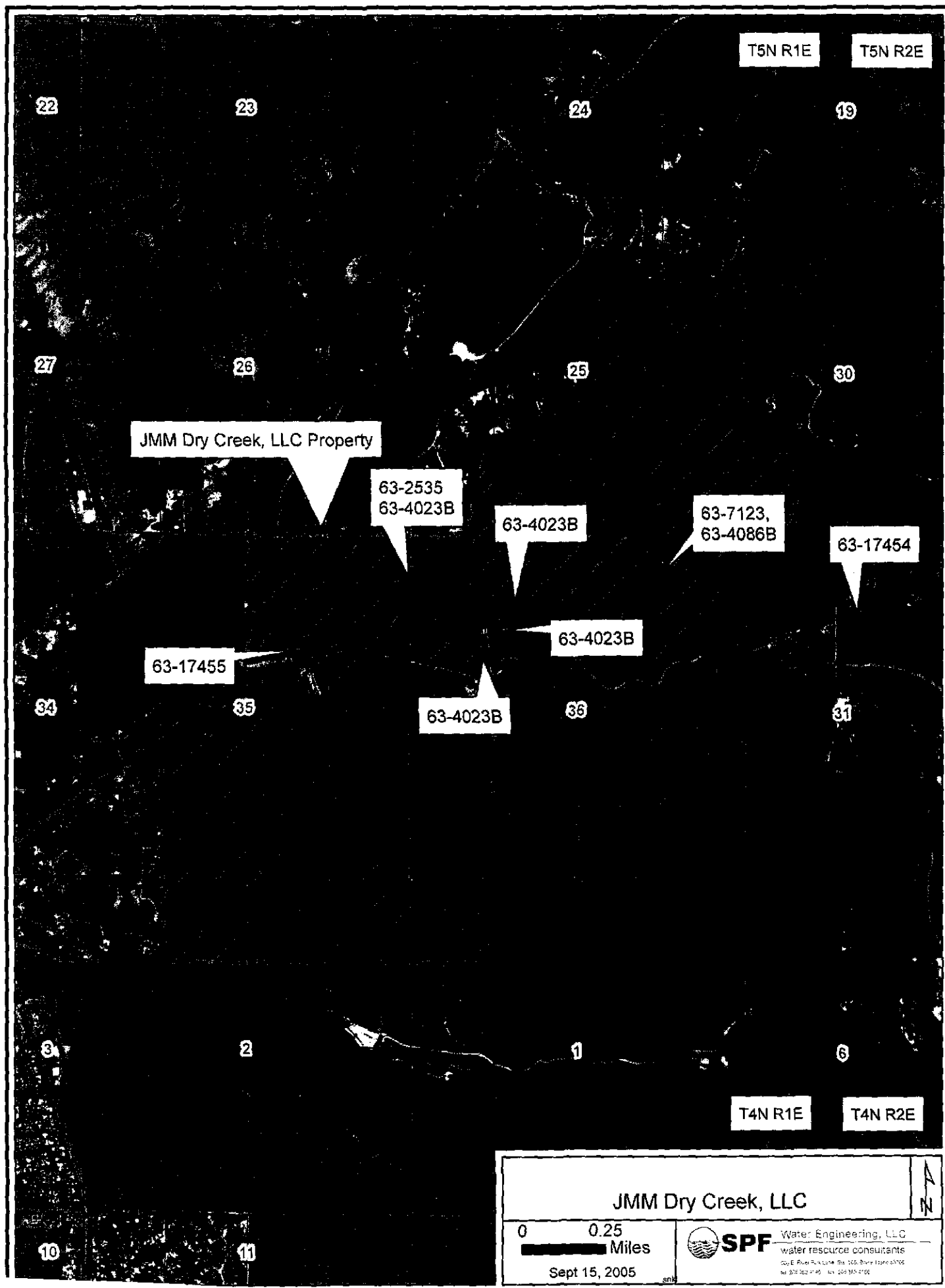
Also enclosed are two notices of error for claims 63-4023B and 63-7123. The recommendation for 63-7123 has a minor typographical error. Claim 63-4023B was recommended for 1.11 cfs. A sworn affidavit by Keith Anderson in 1968 supports the claimed quantity of 3.0 cfs.

If you have any questions regarding these documents, please let me know.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

File: 434.0010



JMM Dry Creek, LLC		
0 0.25 Miles	 Water Engineering, LLC water resource consultants 200 E. River Park Lane Ste. 100, Suite 1000 Salt Lake City, UT 84143	
Sept 15, 2005		

05/20/2005

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

RIGHT NUMBER: 63-4086B

NAME AND ADDRESS: JULIUS JEKER
6598 DRY CREEK RD
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,615.500 AFY

Use of this right with Right No. 63-7123 is limited to a total combined diversion rate of 5.79 cfs.

PRIORITY DATE: 07/20/1960

POINT OF DIVERSION:

T05N R01E S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
5.000 CFS
1,615.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S25	SWSW	5.0	T05N R01E S25	SESW	4.0
T05N R01E S25	SWSE	22.0	T05N R01E S25	SESE	31.0
T05N R01E S35	NENE	15.0	T05N R01E S35	NWNE	21.0
T05N R01E S35	SWNE	13.0	T05N R01E S35	SENE	13.0
T05N R01E S36	NENE	38.0	T05N R01E S36	NWNE	40.0
T05N R01E S36	SWNE	20.0	T05N R01E S36	SENE	8.0
T05N R01E S36	NENW	39.0	T05N R01E S36	NWNW	39.0
T05N R01E S36	SWNW	17.0	T05N R01E S36	SENW	11.0
T05N R02E S30	SWSW	23.0			

359 ACRES TOTAL

Use of this right with the rights listed below is limited to the irrigation of a combined total of 392 acres in a single irrigation season. Combined Right Nos.: 63-2535, 63-4023B, 63-7123 and 63-17454.

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 No. 63-7123 is also diverted through point of diversion described above.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4086B V1

WATER RIGHT NUMBER: 63-4086B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JULIUS JEKER 6598 DRY CREEK RD BOISE, ID 83703 (208)939-6235

Priority Date: 07/20/1960

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	5.000 CFS	1,615.50 AF
	<u>Total Diversion:</u>	5.000 CFS	1,615.50 AF

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

T05N R01E S25	SWSW	5.0	T05N R01E S25	SESW	4.0
T05N R01E S25	SWSE	22.0	T05N R01E S25	SESE	31.0
T05N R01E S35	NENE	15.0	T05N R01E S35	NWNE	21.0
T05N R01E S35	SWNE	13.0	T05N R01E S35	SENE	13.0
T05N R01E S36	NENE	38.0	T05N R01E S36	NWNE	40.0
T05N R01E S36	SWNE	20.0	T05N R01E S36	SENE	8.0
T05N R01E S36	NENW	39.0	T05N R01E S36	NWNW	39.0
T05N R01E S36	SWNW	17.0	T05N R01E S36	SENW	11.0
T05N R02E S30	SWSW	23.0			

Total Acres: 359

Conditions of Approval:

1. E52 Use of this right with rights listed below is limited to a total combined diversion rate of 7.84 cfs. Combined Right Nos.: 63-2535, 63-4023B, 63-7123, 63-17454 and 63-17455.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E51 Use of this right with Right No. 63-7123 is limited to a total combined diversion rate of 5.79 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4086B V1

4. F05 Right No. 63-7123 is also diverted through point of diversion described above.

Remarks:Comments:

1. vmusic 5/20/2005 EVIDENCE OF PRIORITY

Comment: EVIDENCE IS AN EXPIRED PERMIT 63-3179 AND AFFIDAVITS FROM DRILLER AND BEN DOBSON.

2. vmusic 5/20/2005 FIELD EXAM

Comment: NO FIELD EXAM NECESSARY BECAUSE SYSTEM WAS TESTED AND EXAMINED DURING PERMITTING FOR 63-3179.

3. vmusic 5/20/2005 OVERLAPS

Comment: COMBINED WITH 63-7123 Q LIMITED TO 5.79 CFS AND ACRES TO 359. COMBINED WITH 63-2535, 63-4023B, 63-7123, 63-17454 AND 63-17455 Q LIMITED TO 7.84 CFS WHICH IS .02 CFS PER THE 392 ACRES. TOTAL ACRES WITH ALL RIGHTS LISTED HERE LIMEITED TO 392 ACRES.

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	5/19/2005 3:06:46 PM	vmusic	(No) 1. Do you want to schedule an appointment? <i>Comment for 1: DESKTOP REVIEW</i>
POD	5/19/2005 3:15:33 PM	vmusic	Updated shape
POU	5/19/2005 3:16:44 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - AERIAL PHOTOS
Source	5/19/2005 3:16:05 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - INTREPID EXAM
POU	5/19/2005 3:27:11 PM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4086B V1

General	5/19/2005 3:07:37 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - LICENSING EXAM FOR EXPIRED LICENSE 63-3179
POD	5/19/2005 3:08:05 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	5/19/2005 3:35:46 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - AERIALS, AFFIDAVITS
Season	5/19/2005 3:36:17 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4086B V1

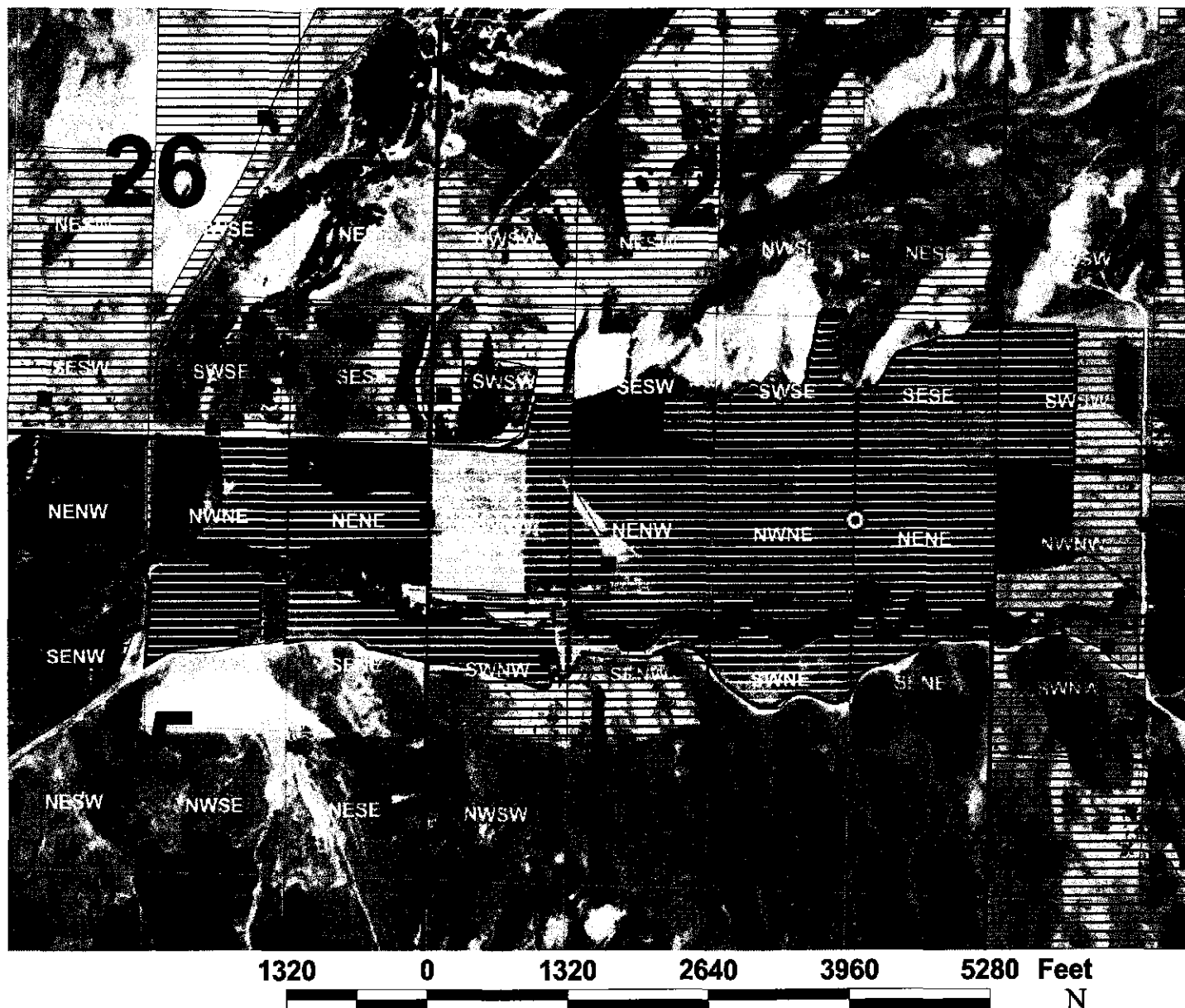
Quantity	5/19/2005 3:44:09 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - DRILLERS AFFIDAVITS Description for Question 10 - SEE LICENSING EXAM FOR 63-7123
Summary	5/19/2005 4:11:35 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	5/19/2005 5:12:09 PM	vmusic	Updated shape for Active POU
POU	5/19/2005 5:13:09 PM	vmusic	Updated shape for Active POU
Summary	3/21/2005 10:16:23 AM	lharris	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
POU	5/19/2005 5:11:22 PM	vmusic	Updated shape for Active POU

Water Supply Bank:



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTIONS 25, 35 and 36
T5N R2E SECTION 30
Water Right (s): 63-4086B



TOTAL IRRIGATED ACRES = 359

- 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



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office

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 La Forge
Notary Public for Idaho
Residing at Ammon, Idaho

MICROFILMED

IN THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO.

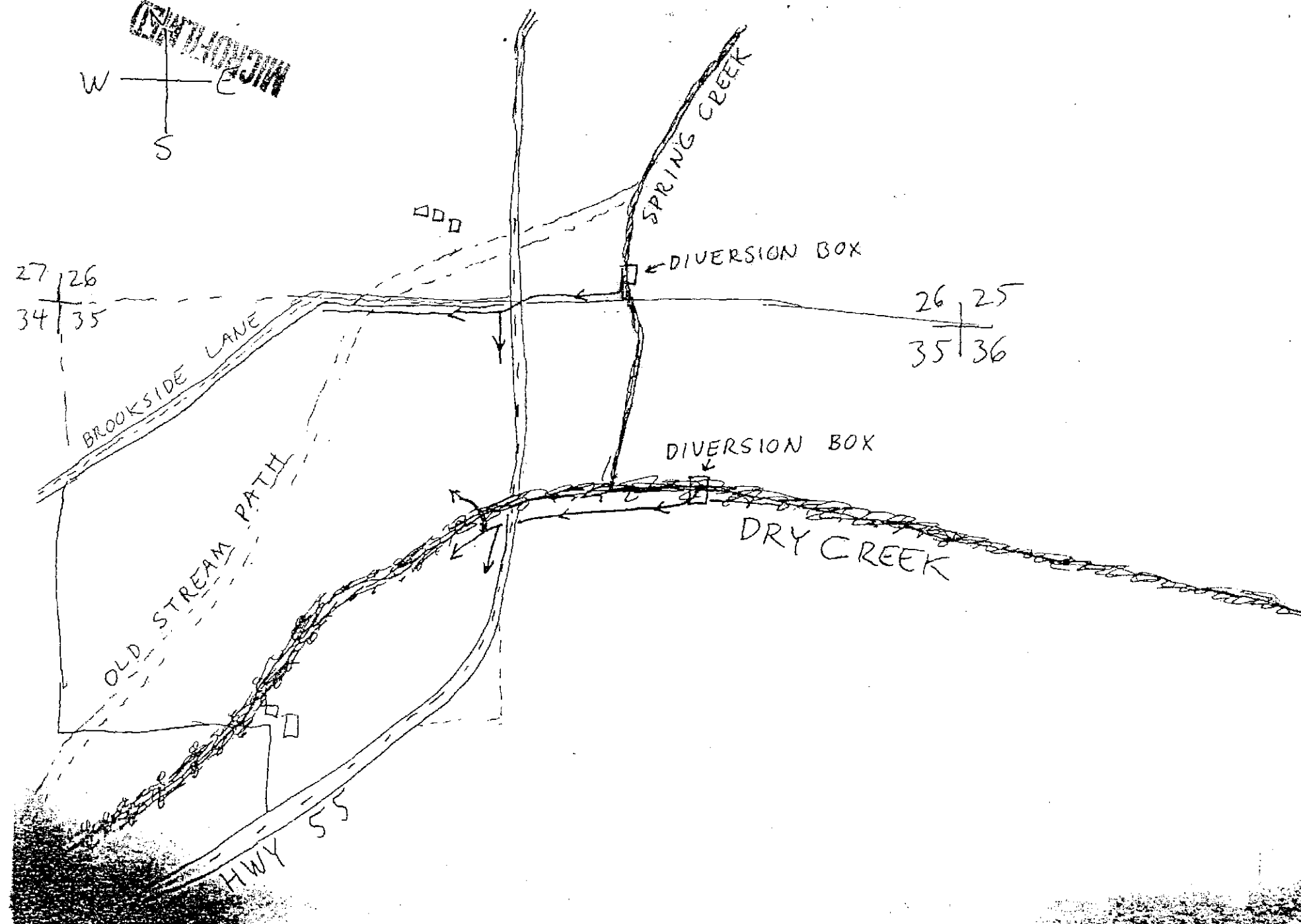
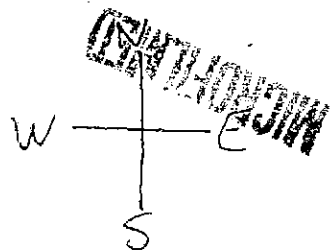
IN RE: Proof of Water Right by
Helen Weisshaupt and
Margaret Brusher to the
Waters of Dry Creek and
Spring Creek, Ada County,
Idaho

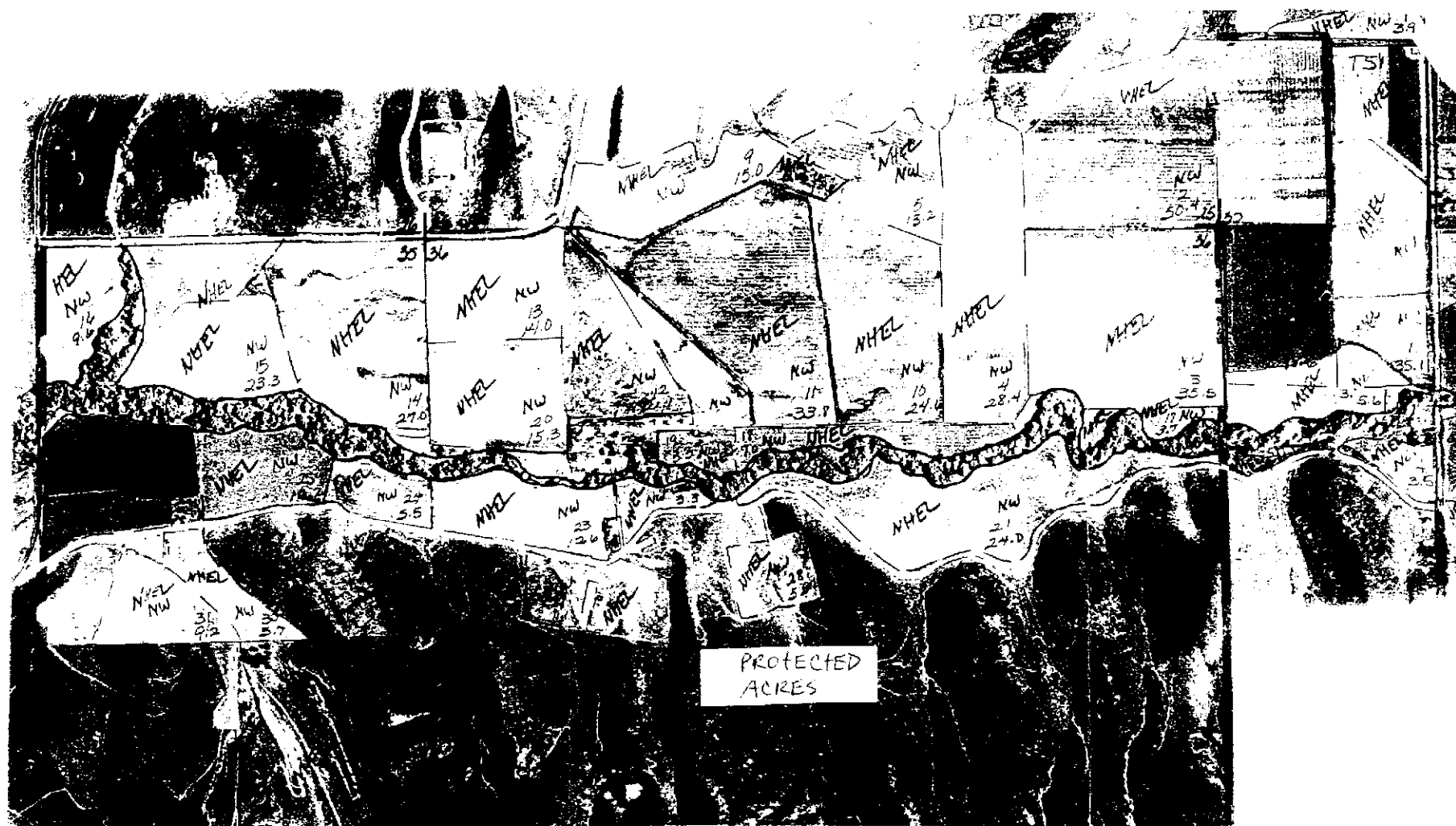
This affidavit is made in connection with a claim of water right by Helen Weisshaupt and Margaret Brusher to the waters of Dry Creek and Spring Creek in Ada County, Idaho, beneficially used for the purpose of irrigation of approximately 122 acres of land which they own located in the West Half of Section 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





	Acres Filed on	ACS Allowed	Acres to Beneficial Use	ACS Per Acre
Lic 670 cfs - 18495	35	.700 cfs	35	.02 cfs
Claim 30 cfs - 63-4023	350	3.0 cfs	266	.0127 cfs 00127 cfs 0173 cfs
Permit 50 cfs 63-3179	620	5.0 cfs	364	.0162 cfs
Permit 2.0 cfs - 63-7123	620	2.79 cfs	364	.0045 cfs

2.07 cfs 50 cfs = Total irrigated

*Total volume of divisions of
Permit 18495, 63-4023, 63-3179
and 63-7123 shall not exceed
2.79 cfs per foot.*

Previously 7-11-68
Q measured 5.79 cfs
Q recommended 0.79 cfs
Volume 22.95 AF (45850)
Across 620
Found 510
recommended 510
Subd 20
Amendments
☐ None
☐ P.D.
☐ Place of use
☐

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 POD REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 63-4086B

05/19/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-4086	Claim	05N	01E	36	NE	NE		GROUND WATER	
63-4086B	Claim	05N	01E	36	NE	NE		GROUND WATER	JULIUS JEKER
63-7123	Claim	05N	01E	36	NE	NE		GROUND WATER	JULIUS JEKER
63-4086	Water Right	05N	01E	36	NE	NE		GROUND WATER	JULIUS JEKER
63-7123	Water Right	05N	01E	36	NE	NE		GROUND WATER	JULIUS JEKER

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

03/21/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
9376	Water Right	05N	01E	25	SW	SW		IRRIGATION	5/6	SHELLEY M DRAKE
~~4086B~~	Claim	05N	01E	25	SW	SW		IRRIGATION	5/359	JULIUS JEKER
7941	Water Right	05N	01E	25	SW	SW		IRRIGATION	10/10	JOHN B FERGUSON
7941	Claim	05N	01E	25	SW	SW		IRRIGATION	10/10	JOHN B FERGUSON
9376	Claim	05N	01E	25	SW	SW		IRRIGATION	5/6	JACK BYNUM
4086	Water Right	05N	01E	25	SE	SW		IRRIGATION	4/473	JULIUS JEKER
7123	Water Right	05N	01E	25	SE	SW		IRRIGATION	4/473	JULIUS JEKER
~~4086B~~	Claim	05N	01E	25	SE	SW		IRRIGATION	4/359	JULIUS JEKER
7123	Claim	05N	01E	25	SE	SW		IRRIGATION	4/351	JULIUS JEKER
7123	Claim	05N	01E	25	SW	SE		IRRIGATION	22/351	JULIUS JEKER
7123	Water Right	05N	01E	25	SW	SE		IRRIGATION	22/473	JULIUS JEKER
~~4086B~~	Claim	05N	01E	25	SW	SE		IRRIGATION	22/359	JULIUS JEKER
4086	Water Right	05N	01E	25	SW	SE		IRRIGATION	22/473	JULIUS JEKER
4086	Water Right	05N	01E	25	SE	SE		IRRIGATION	31/473	JULIUS JEKER
17454	Claim	05N	01E	25	SE	SE		IRRIGATION	26.5/85	JULIUS JEKER
~~4086B~~	Claim	05N	01E	25	SE	SE		IRRIGATION	31/359	JULIUS JEKER
7123	Claim	05N	01E	25	SE	SE		IRRIGATION	31/351	JULIUS JEKER
7123	Water Right	05N	01E	25	SE	SE		IRRIGATION	31/473	JULIUS JEKER
~~4086B~~	Claim	05N	01E	35	NE	NE		IRRIGATION	15/359	JULIUS JEKER
4023	Water Right	05N	01E	35	NE	NE		IRRIGATION	40/350	JULIUS JEKER
2535	Claim	05N	01E	35	NE	NE		IRRIGATION	20/35	JULIUS JEKER
~~4023B~~	Claim	05N	01E	35	NE	NE		IRRIGATION	40/210	JULIUS JEKER
7123	Water Right	05N	01E	35	NE	NE		IRRIGATION	15/473	JULIUS JEKER
7123	Claim	05N	01E	35	NE	NE		IRRIGATION	15/351	JULIUS JEKER
2535	Water Right	05N	01E	35	NE	NE		IRRIGATION	20/35	KARL PAINE
4086	Water Right	05N	01E	35	NE	NE		IRRIGATION	15/473	JULIUS JEKER
2535	Claim	05N	01E	35	NW	NE		IRRIGATION	10/35	JULIUS JEKER
17455	Claim	05N	01E	35	NW	NE		IRRIGATION	5.5/17.1	JULIUS JEKER

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

03/21/2005

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2535	Water Right	05N	01E	35	NW	NE		IRRIGATION	10/35	KARL PAINE
4023	Water Right	05N	01E	35	NW	NE		IRRIGATION	40/350	JULIUS JEKER
7123	Claim	05N	01E	35	NW	NE		IRRIGATION	21/351	JULIUS JEKER
4086	Water Right	05N	01E	35	NW	NE		IRRIGATION	21/473	JULIUS JEKER
7123	Water Right	05N	01E	35	NW	NE		IRRIGATION	21/473	JULIUS JEKER
1086B	Claim	05N	01E	35	NW	NE		IRRIGATION	21/359	JULIUS JEKER
4023B	Claim	05N	01E	35	NW	NE		IRRIGATION	40/210	JULIUS JEKER
2535	Claim	05N	01E	35	SW	NE		IRRIGATION	5/35	JULIUS JEKER
7123	Claim	05N	01E	35	SW	NE		IRRIGATION	13/351	JULIUS JEKER
4023	Water Right	05N	01E	35	SW	NE		IRRIGATION	15/350	JULIUS JEKER
1023B	Claim	05N	01E	35	SW	NE		IRRIGATION	15/210	JULIUS JEKER
1086B	Claim	05N	01E	35	SW	NE		IRRIGATION	13/359	JULIUS JEKER
17455	Claim	05N	01E	35	SW	NE		IRRIGATION	11.6/17.1	JULIUS JEKER
7123	Water Right	05N	01E	35	SW	NE		IRRIGATION	13/473	JULIUS JEKER
2535	Water Right	05N	01E	35	SW	NE		IRRIGATION	5/35	KARL PAINE
4086	Water Right	05N	01E	35	SW	NE		IRRIGATION	13/473	JULIUS JEKER
7123	Water Right	05N	01E	35	SE	NE		IRRIGATION	13/473	JULIUS JEKER
7123	Claim	05N	01E	35	SE	NE		IRRIGATION	13/351	JULIUS JEKER
4023	Water Right	05N	01E	35	SE	NE		IRRIGATION	20/350	JULIUS JEKER
4086	Water Right	05N	01E	35	SE	NE		IRRIGATION	13/473	JULIUS JEKER
1023B	Claim	05N	01E	35	SE	NE		IRRIGATION	20/210	JULIUS JEKER
1086B	Claim	05N	01E	35	SE	NE		IRRIGATION	13/359	JULIUS JEKER
7123	Claim	05N	01E	36	NE	NE		IRRIGATION	38/351	JULIUS JEKER
4086	Water Right	05N	01E	36	NE	NE		IRRIGATION	38/473	JULIUS JEKER
17454	Claim	05N	01E	36	NE	NE		IRRIGATION	35.5/85	JULIUS JEKER
1086B	Claim	05N	01E	36	NE	NE		IRRIGATION	38/359	JULIUS JEKER
7123	Water Right	05N	01E	36	NE	NE		IRRIGATION	38/473	JULIUS JEKER
1086B	Claim	05N	01E	36	NW	NE		IRRIGATION	40/359	JULIUS JEKER

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

03/21/2005

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
7123	Water Right	05N	01E	36	NW	NE		IRRIGATION	40/473	JULIUS JEKER
7123	Claim	05N	01E	36	NW	NE		IRRIGATION	40/351	JULIUS JEKER
4086	Water Right	05N	01E	36	NW	NE		IRRIGATION	40/473	JULIUS JEKER
4086	Water Right	05N	01E	36	SW	NE		IRRIGATION	20/473	JULIUS JEKER
1086B	Claim	05N	01E	36	SW	NE		IRRIGATION	20/359	JULIUS JEKER
7123	Claim	05N	01E	36	SW	NE		IRRIGATION	20/351	JULIUS JEKER
7123	Water Right	05N	01E	36	SW	NE		IRRIGATION	20/473	JULIUS JEKER
1086B	Claim	05N	01E	36	SE	NE		IRRIGATION	8/359	JULIUS JEKER
7123	Water Right	05N	01E	36	SE	NE		IRRIGATION	8/473	JULIUS JEKER
4086	Water Right	05N	01E	36	SE	NE		IRRIGATION	8/473	JULIUS JEKER
7123	Claim	05N	01E	36	SE	NE		IRRIGATION	8/351	JULIUS JEKER
1023B	Claim	05N	01E	36	NE	NW		IRRIGATION	15/210	JULIUS JEKER
7123	Water Right	05N	01E	36	NE	NW		IRRIGATION	39/473	JULIUS JEKER
7123	Claim	05N	01E	36	NE	NW		IRRIGATION	39/351	JULIUS JEKER
1086B	Claim	05N	01E	36	NE	NW		IRRIGATION	39/359	JULIUS JEKER
4023	Water Right	05N	01E	36	NE	NW		IRRIGATION	15/350	JULIUS JEKER
4086	Water Right	05N	01E	36	NE	NW		IRRIGATION	39/473	JULIUS JEKER
4023	Water Right	05N	01E	36	NW	NW		IRRIGATION	40/350	JULIUS JEKER
1023B	Claim	05N	01E	36	NW	NW		IRRIGATION	40/210	JULIUS JEKER
1086B	Claim	05N	01E	36	NW	NW		IRRIGATION	39/359	JULIUS JEKER
7123	Claim	05N	01E	36	NW	NW		IRRIGATION	39/351	JULIUS JEKER
4086	Water Right	05N	01E	36	NW	NW		IRRIGATION	39/473	JULIUS JEKER
7123	Water Right	05N	01E	36	NW	NW		IRRIGATION	39/473	JULIUS JEKER
1086B	Claim	05N	01E	36	SW	NW		IRRIGATION	17/359	JULIUS JEKER
1023B	Claim	05N	01E	36	SW	NW		IRRIGATION	30/210	JULIUS JEKER
4023	Water Right	05N	01E	36	SW	NW		IRRIGATION	30/350	JULIUS JEKER
7123	Claim	05N	01E	36	SW	NW		IRRIGATION	17/351	JULIUS JEKER
4086	Water Right	05N	01E	36	SW	NW		IRRIGATION	17/473	JULIUS JEKER

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

03/21/2005

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
7123	Water Right	05N	01E	36	SW	NW		IRRIGATION	17/473	JULIUS JEKER
4023	Water Right	05N	01E	36	SE	NW		IRRIGATION	10/350	JULIUS JEKER
1023B	Claim	05N	01E	36	SE	NW		IRRIGATION	10/210	JULIUS JEKER
7123	Claim	05N	01E	36	SE	NW		IRRIGATION	11/351	JULIUS JEKER
7123	Water Right	05N	01E	36	SE	NW		IRRIGATION	11/473	JULIUS JEKER
1086B	Claim	05N	01E	36	SE	NW		IRRIGATION	11/359	JULIUS JEKER
4086	Water Right	05N	01E	36	SE	NW		IRRIGATION	11/473	JULIUS JEKER
17454	Claim	05N	02E	30	SW	SW		IRRIGATION	23/85	JULIUS JEKER
7123	Water Right	05N	02E	30	SW	SW		IRRIGATION	20/473	JULIUS JEKER
7123	Claim	05N	02E	30	SW	SW		IRRIGATION	20/351	JULIUS JEKER
1160A	Claim	05N	02E	30	SW	SW		IRRIGATION	20/98	MARIAN E SHAW
1086B	Claim	05N	02E	30	SW	SW		IRRIGATION	23/359	JULIUS JEKER
3160	Water Right	05N	02E	30	SW	SW		IRRIGATION	20/153	MELVIN D SMITH
4086	Water Right	05N	02E	30	SW	SW		IRRIGATION	20/473	JULIUS JEKER
5190	Water Right	05N	02E	30	SW	SW		IRRIGATION	20/83	FRANK O SMITH
2618	Claim	05N	02E	30	SW	SW	4	IRRIGATION	3/46	MARIAN E SHAW
2618	Water Right	05N	02E	30	SW	SW	4	IRRIGATION	20/43	MARY C EAGLESON

Mr. R. Keith Higginson
Director, Idaho Department of Water Administration
Annex 2 Statehouse
Boise, Idaho

Re: 63-4023

Dear Mr. Higginson:

A formal affidavit exception signed by Bobby D. Fleenor of your office has been placed on my claim to a water right number 63-4023.

The claim as filed indicates a water right with a priority of July 1, 1927. To the best of my knowledge this priority date is correct. The lands irrigated at that time were in Sec. 36, T.5N., R.1E. The lands described in the claim in Sec. 35, T.5N., R.1E. were not irrigated until 1944 from the 4 wells described in this claim. A well located in Sec. 35 was drilled by the previous owner of the land (before 1944) and a water right under Lic. 18495 exists for the well and the irrigated land in Sec. 35.

In 1944 the irrigated land in question in Sec. 35 was sold to my father. At that time the waters from the four wells referred to in my claim were first used as a supplemental supply on the fields in Sec. 35 as well as continuing to supply the fields previously irrigated in Sec. 36.

The above explanation is true and correct to the best of my knowledge and I certify to this by my notarized signature below. I hope that this answers any questions the Department of Water Administration may have concerning the claim. I hereby request that this explanation be made a permanent part of claim 63-4023.

Mar. 15 1971
Date

Julius Jeker
Julius Jeker

State of Idaho)
) ss
County of Ada)

On this 15th day of March, 1971 Julius Jeker personally appeared before me, signed the above document and swore it to be a true and correct statement.

Caroline D. Redmond
Notary Public residing at Boise, Idaho

My Commission expires: 2/1/75

63 ACP6

Exhibit A

AFFIDAVIT

In the Matter Of)
Claim to a Water Right)
By Julius Jeker)

Kenneth D. Witt, residing at Caldwell, Idaho, being first duly sworn, deposes and says:

That he is a licensed well-drilling contractor in the State of Idaho.

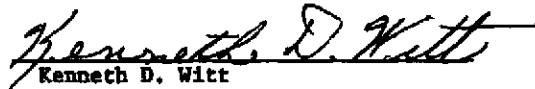
That in early October 1962 he was hired by Julius Jeker, Route 1, Boise to clean or repair a drilled irrigation well located in the NE¹/₄NE¹/₄ Section 36, T.5N., R.1E., B.M. Ada County which well, to his best knowledge and belief, had been drilled for Mr. Jeker in the early summer of 1960 by Bill Lukehart.

That he moved a drilling machine, tools, and equipment to the well site in October 1962, removed the electric-motor-driven turbine pump from the well, and attempted to remove sand that had partially filled the well and well screen.

That at the time of such work in October 1962 there was evidence that the well had been used prior to that date for the irrigation of crops in the vicinity.

That subsequently he was informed by Mr. Jeker that the original drilling contractor, Mr. Lukehart, was going to return to the well and perform more extensive rehabilitation and accordingly he removed his equipment from the site in the late fall of 1962.

That he was again contacted by Mr. Jeker in the spring of 1968 and hired to drill a replacement well for the well originally drilled in 1960, and that he completed this replacement well in May 1968 at which time it was tested with a pump at a rate of 2,950 gallons a minute (6.57 cubic feet per second). The replacement well is located less than 1/4 mile westerly of the original well and is also in the NE¹/₄NE¹/₄ Section 36, T.5N., R.1E., B.M.


Kenneth D. Witt

State of Idaho

63 4086

County of Ada

Subscribed and sworn to before me on this 11th day of February, 1971


Notary Public
Residing at Boise, Idaho

My Commission Expires: February 1, 1975

AFFIDAVIT

In the Matter Of)
Claim to a Water Right)
By Julius Jekar)

Julius Jekar residing at Route 1, Boise, Idaho, being first duly sworn, deposes and says:

That on February 1, 1960 he filed an application to appropriate underground water with the State Department of Reclamation to appropriate 5.0 cubic feet per second from a well to be drilled in the NE~~1~~NE~~4~~ Section 36, T.5N., R.1E., B.M., Ada County and that said application was granted by the State and assigned Permit No. G-28423 (subsequently changed to No. 63-3179).

That subsequently he engaged Bill M. Lukehart, a water-well drilling contractor of Boise, Idaho, to drill the well and that the drilling commenced in the late spring or early summer of 1960 and was completed on or about July 20, 1960.

That the well was temporarily equipped with a gasoline-engine driven pump on or about July 20, 1960 and the well pumped at a maximum rate of 160 miners inches (3.20 cubic feet per second) and that the water pumped was applied to beneficial use for the irrigation of crops.

That later in the irrigation season of 1960 a permanent electric 60 H.P. motor driven turbine pump was installed and operated. but that there was some difficulty with pumping of sand. Pumping continued throughout the remainder of the 1960 and all of the 1961 and 1962 irrigation seasons, at varying rates not exceeding 3.20 cubic feet per second, and the water thus pumped was applied to beneficial use for the irrigation of crops.

That in the fall of 1962 he engaged another drilling contractor, Kenneth D. Witt of Caldwell, Idaho to remove the pump and clean out the sand that had partially filled the well and well screen; and that he also retained Keith E. Anderson, consulting engineer of Boise, Idaho, to advise him concerning the rehabilitation or reconstruction of the well.

That in March 1963 Mr. Lukehart returned to the well to perform certain rehabilitation measures including repairs or modifications to the screen assembly, and that the well was then pumped in late April or early May 1963 at a rate of about 3.0 cubic feet per second and that water from the well was applied to beneficial use for the irrigation of crops during the 1963 irrigation season.

That, although there were continuing difficulties with snad or pump problems, the well was pumped and used for irrigation of crops throughout the 1964, 1965, 1966 and 1967 irrigation seasons.

That after the 1967 irrigation season he decided to replace the well with a new well to be drilled under the same permit and in the same 40-acre tract and that the new well was completed by Kenneth D. Witt, water-well contractor in May 1968. Upon completion of this replacement well it was pumped at a rate of 6.0 cubic feet per second and used for irrigation of crops in the 1968 irrigation season and each irrigation season since then to the present time.

That when he learned the replacement well could supply more than the 5.0 cubic feet per second under the existing Permit G-28423 (63-3179), he made application to the State Department of Reclamation for the appropriation of the additional water; this application was assigned Permit No. 63-7123.

That a field examination was made by the Department of Water Administration (formerly State Department of Reclamation) in 1970 and I was advised that the well discharge was measured at 5.79 cubic feet per second, of which 5.00 cfs was assigned to the original permit (G-28423 or 63-3179) and the balance of 0.79 cfs to the subsequent permit (63-7123).

That the Department of Water Administration proposed to license the original permit for 5.0 cfs with a priority date of May 21, 1965 rather than the original priority date of the application of February 1, 1960--said change in priority date being because only one of the three affidavits of Completion of Works and Application to Beneficial Use had been filed, as then but no longer required by the State, on June 1, 1965.

That the failure to file the two other affidavits on June 1, 1965 was an inadvertent error on my part and that in fact the works had been completed and the water applied to beneficial use as set forth in this affidavit.

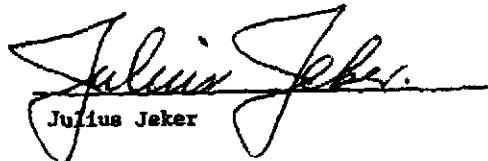
That the sole reason for now filing a Claim to a Right, instead of allowing the permit to go to license, is to protect and maintain the true priority dates established by the actual appropriation and application to beneficial use.

63 4086

And that he therefore claims the following rights to appropriate water from the well (covered under the original Permit G-28423 or 63-3179):

3.20 cubic feet per second with a priority date of July 20, 1960.

and 1.80 cubic feet per second with a priority date of May 15, 1968.


Julius Jeker

State of Idaho

County of Ada

Subscribed and sworn to before me this 15th day of March, 1971.


Notary Public
Residing at Boise, Idaho

My Commission Expires: 2/1/75

63 4086

AFFIDAVIT

In The Matter Of)
Claim to a Water Right)
By Julius Jeker)

Keith E. Anderson, residing at Boise, Idaho, being first
duly sworn, deposes and says:

That he is a registered professional engineer in the State
of Idaho and a partner in the firm of Anderson & Kelly,
consultants in engineering and geology, which firm specializes
in water problems.

That on or about October 15, 1962 he was retained by Julius
Jeker, Route 1, Boise to inspect an irrigation well that
needed repair or reconstruction and that since that time,
to the present date, he has acted as a consultant to Mr.
Jeker on problems of water supply and irrigation and has
had an occasion to visit or inspect the property of Mr. Jeker
at least once each irrigation season.

That his first inspection of the property was on October
23, 1962 at which time he saw the well drilled under Permit
G-28423 (63-3179) located in the NE 1/4 Section 36, T.5N.,
R.1E., E.M., Ada County. At that time the permanent electric
motor-driven pump had been removed from the well for inspection
and repair. This pump was a Peerless water-lubricated turbine
rated at 1440 gpm (3.2 cfs), with 130 feet of 8 x 1 3/16 column
and a 3 stage 12-inch bowl assembly. At that same time he
personally inspected the irrigated areas adjacent to the well
and the irrigation system, as well as documents (invoices
and cancelled checks) relating to the construction of the
well, purchase of the pump, and purchase of electrical
energy. As a result of these inspections it is his best
knowledge and belief that water from the well was first
applied to beneficial use on or about July 20, 1960 in the
amount of 3.20 cfs, and was similarly applied during the
1961 and 1962 irrigation seasons.

That the well had certain construction deficiencies that
resulted in pumping sand and that he recommended certain
rehabilitation measures that were started by Kenneth D.
Witt, water well contractor, and later completed in the
spring of 1963 by the original well drilling contractor,
Bill M. Lukehart.

That he has personally seen water from this well, in amounts not exceeding 3.20 cfs, used for irrigation of adjacent lands during each irrigation season from 1963 to 1967 inclusive. The irrigation system comprised open earth ditches on laterals with maximum dimensions as follows: base width 2 feet, water depth $1\frac{1}{4}$ feet, side slopes $3/4$ to 1 or flatter, and gradients ranging up to 0.001. The irrigation system throughout that period had the capacity to carry at least 3.20 cfs and that he witnessed such flow rate. During a part of the latter seasons during the period 1963-67, there was an auxiliary pump used in some instances to pump a part or all of the well discharge into a portable sprinkler system.

That in the early months of 1968 he advised Mr. Jeker, in view of continuing problems resulting from the construction details in the original well, to drill a replacement or substitute well in the same 40 acre tract, less than $1/4$ mile to the west.

That replacement well was drilled by Kenneth D. Witt, Caldwell drilling contractor, commencing in the spring of 1968 and was completed and tested on May 3, 1968; and that he personally observed the testing of the replacement well at a rate of 6.57 cfs.

That the replacement well was promptly equipped with a Layne turbine pump rated at 2700 gpm (6.0cfs) and that irrigation from this well at a rate of 6.0 cfs commenced on or about May 15, 1968. The irrigation system at the same time was modified to permit direct sprinkling from the pump discharge, using steel pipes of 12-inch diameter or less, as well as the earlier system of open ditches.

That use of the original well drilled under Permit G-28423 (63-3179) was abandoned upon completion of the replacement well and that irrigation under that permit in the 1968, 1969 and 1970 seasons was all from the replacement or substitute well.

That he has, as a part of his consulting services to Mr. Jeker, periodically advised him or assisted him in water right matters.

That on June 1, 1965, at the time and place designated by the State, he filed an affidavit of Proof of Completion of Works and Application to Beneficial Use for Permit G-28423 (63-3179) as one of three such affidavits which at that time were required by the State.

63 4086

That subsequently he learned that the other two such affidavits, through inadvertent error, had not been filed and on or about April 20, 1968 (at the time the replacement well was being drilled) he discussed with the State Reclamation Engineer the best procedures to follow with respect to completing the permit. That it was the suggestion of the State Reclamation Engineer that Permit G-28423 (63-3179) be amended by withdrawing the three old flowing artesian wells for which a Claim to a Water Right should be filed; that the Permit so amended, which technically had expired, would be held open until completion of the substitute well at which time the original priority (February 1, 1960) could be used for the full amount (5.0 cfs); and that a new application be filed to cover any anticipated additional withdrawal over 5.0 cfs that could come from the substitute well.

That he concurred with these suggestions, reiterated in his letter of May 23, 1968 to the State Reclamation Engineer (copy attached, Exhibit D) and that the original permit was accordingly amended, a claim (63-4023) filed for the old artesian wells originally included with the permit, and a new application filed for the excess water to be obtained from the substitute well (permit 63-7123)

That in 1970 the substitute well was examined by the Idaho Department of Water Administration (formerly the State Department of Reclamation) and the discharge measured at 5.79 cfs and that on November 9, 1970 that agency advised Mr. Jeker that it intended to license permit G-28423 (63-3179) for 5.00 cfs with priority of May 21, 1965 upon receipt of \$45.00 in fees and to license permit 63-7123 for 0.79 cfs with priority of July 11, 1968.

That because of previous indications of actual or potential interference between wells in this area of Mr. Jeker and other parties, he believed the question of priority date is of especial importance to Mr. Jeker; and that if the Department of Water Administration was to reduce his priority from February 1, 1960 to May 21, 1965,—because of the inadvertent error on Mr. Jeker's part in not filing the two additional affidavits June 1, 1965 which were at that time (but no longer) a requirement of the State—it would be to Mr. Jeker's best interest to not pay the \$45.00 in fees for licensing of Permit G-28423 (63-3179) and in lieu thereof file a Claim to a Water Right based upon actual dates and amounts of application to beneficial use.

63 4086

That he so advised Mr. Jeker, who concurred, and further so advised the Department of Water Administration; and that the election to file a claim instead of licensing the original permit was solely to protect the real and actual priority.

That from all of his person knowledge and experience he believes and knows that the following actual application to beneficial use was made from the well (and substitute) drilled under Permit G-28423 (63-3179):

3.20 cfs with priority of July 20, 1960
1.80 cfs with priority of May 15, 1968

and that in consideration of all of the facts in the matter that Mr. Jeker's claim to a water right in these amounts and with these priorities should have the same standing and right as if licenses were so issued.

Keith E. Anderson
Keith E. Anderson

Subscribed and sworn to before me on this 15th day of February, 1971.

State Of Idaho

County of Ada

Corinne B. Leonard
Notary Public
Residing at Boise, Idaho

My Commission Expires: 2/1/75

63 4086

Jem

MAY 19 1968

Department of Water Administration

May 23, 1968

Mr. R. Keith Higginson
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit G-28423, Julius Jeker

Dear Mr. Higginson:

You will recall our discussion of several weeks ago relative to the above permit.

This permit was originally issued to cover water from three old flowing artesian wells and a new drilled well. The drilled well (owner's No. 6) was completed in the summer of 1960 but there was trouble with sand pumping and other features of well construction. In 1962-63 the well was investigated and rehabilitated. Although adequate production was obtained there was still some trouble with sand.

The owner accordingly decided to drill a substitute well (owner's No. 6-A) about 1/4 mile distant in the same 40-acre tract. This new replacement well has just been completed (and tested at 6.0 cfs) and will be used for irrigation this summer.

Proof of completion of works and application to beneficial use, on G-28423, were originally set for February 2, 1965 but extended to June 1, 1965. Apparently through some oversight all of the required depositions were not completed on that date although my deposition was taken by R. H. Copple, notary public and attorney for the permit holder, Mr. Jeker.

We appreciate your delaying further action on G-28423 pending the completion of the replacement drilled well (No. 6-A). In accordance with your suggestion, we are now preparing for submission to you the following materials:

1. Claim Right form covering the three old flowing artesian wells originally under G-28423 plus one additional old flowing artesian well.

63 4086

Mr. R. Keith Higginson
May 23, 1968

-2-

2. Documents relating to the drilled well (1960) under G-28423 and the substitute well (1968) just completed, including:
 - A. Log of the original well (No. 6).
 - B. Deposition of Keith E. Anderson relating to G-28423, taken June 1, 1965.
 - C. Log of the replacement well (No. 6-A) and test pumping data from replacement well (No. 6-A).
 - D. Application for amendment to G-28423 to delete the old flowing artesian wells and to show location of the substitute well.
3. Application to appropriate 2.0 cfs of underground water, with priority as of date of filing, for the water to be developed from the substitute well which will be in excess of that amount covered by G-28423 (5.0 cfs with priority of February 1, 1960).

It is our understanding that, subject to taking of final proofs (if required) and field examination by your department, Permit G-28423 will go to license for 5.0 cfs with February 1, 1960 priority and the new permit will be issued (and licensed) for the additional 2.0 cfs with current priority date.

All of the documents referred to in the three numbered paragraphs above will be transmitted to you at one time with appropriate filing fees, as soon as they all can be assembled and executed by Mr. Jeker.

We would suggest that any field examination scheduled of the new substitute well, under G-28423, be deferred for at least a few weeks as the owner is now in the process

63 4086

Mr. R. Keith Higginson

May 23, 1968

-3-

of procuring and installing the pump, motor and controls
and obtaining the necessary electric power service to
the site.

Your cooperation in all of these matters is very much
appreciated.

Sincerely,

ANDERSON & KELLY

Keith E. Anderson

KEA/cr

cc: Mr. Julius Jeker
Mr. R. H. Copple

63 4086

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

November 9, 1970

Re: Permit No. 63-7123



R. Keith Higginson
 Director

Water Rights Administration
 Water Resource Investigations
 Dam and Reservoir Safety
 Water Well Drilling
 Flood Plain Management
 Irrigation and
 Flood Control Districts

Mr. Julius Jeker
 Route 1
 Boise, Idaho

Dear Mr. Jeker:

A representative of this department has made an examination of the works covered by your Permit No. 63-7123 and has found the following:

Quantity of water diverted: 5.79 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.79 c.f.s.

- * The maximum quantity diverted shall not exceed 2,128.5 acre feet per season.

Beneficial Use: Irrigation of 473 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30.

T. 5 N., R. 2 E., B.M.; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25; N $\frac{1}{2}$ Sec. 35; N $\frac{1}{2}$ Sec. 36,

T. 5 N., R. 1 E., B.M.

The priority date established is : July 11, 1968

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

Bobby D. Fleenor

BOBBY D. FLEENOR
 Assistant Director

63 4086

BDF:kh

* The maximum quantity of water diverted shall not exceed 2,295 acre feet per season when the right developed by this license is combined with that of License 63-2535, Claim No. 63-4023 and Permit No. 63-7123 or it's subsequent license.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

November 9, 1970

Re: Permit No. 63-3179 (G-28423)



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Mr. Julius Jeker
Route 1
Boise, Idaho

Dear Mr. Jeker:

A representative of this department has made an examination of the works covered by your Permit No. 63-3179 and has found the following:

Quantity of water diverted: 5.79 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 5.0 c.f.s.

*The maximum quantity of water diverted shall not exceed 1,687.5 acre feet per season.

Beneficial Use: Irrigation of 462 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30,
T. 5 N., R. 2 E., B.M.; SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25; N $\frac{1}{2}$ Sec. 35; N $\frac{1}{2}$ Sec. 36,
T. 5 N., R. 1 E., B.M.

The priority date established is : May 21, 1965 (late proof)

A fee totaling \$ 45.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

63 4086

BDF:kh

cc. Jack A. Barnett
R. H. Copple

* The water diverted by authority of this license is limited to the amount of water required to irrigate beneficially 375 acres of land, hereby established, subject to court review, at 1,687.5 acre feet per annum.

MEMO

DATE: 4/13/1999

FR: lg

TO: Files 63-02535, 63-04023, 63-04086, 63-07123

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. 508 total acres have been licensed for the ground water system; 35 listed on license 63-02535 and 473 acres listed on license 63-07123. The statutory claims represent the same system and overlap within the 508 acres. The capacity of the NENE sec 36 well was calculated at 9.49 cfs during the field exam for license 63-07123, however total system capacity has yet to be determined if additional wells are incorporated as listed on 63-04023.

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 property was not and has not been irrigated with ground water. Her irrigation sources are Dry Creek and Spring Creek. The ground water is only applied to Julius' acres east of HWY 55.

All 508 acres appeared irrigated in 1987 per napp photo and also in 1994 per scanned airphoto.

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).

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FEB 03 2000

Specific acres to be protected include:

T5N	R1E	S25	SESW	4
			SWSE	22
			SESE	31
		S35	NENE	35
			NWNE	31
			SWNE	18
			SENE	13
		S36	NENE	38
			NWNE	40
			SWNE	20
			SENE	8
			NENW	39
			NWNW	39
			SWNW	17
			SENW	11
		S30	SWSW	<u>20</u>
				386 total

Specific acres not to be protected include:

T5N	R1E	S35	NENW	39
			NWNW	19
			SWNW	36
			SENW	<u>28</u>
				122 total

See attached topo map and CFSA photo for visual clarification.

cc: A63-02535, A63-04023A, A63-04086A, A63-07123

MICROFILMED

FEB 03 2000

Desktop review/vm

**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) 63-4096

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: _____

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

Source: groundwater Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ 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, 11/15/2015 exam & Interpid exam

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

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 IRR From 3/1 To 11/15 Amount 5 CFS 1615.55 AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

2579 ac (4.5) = 1615.50 AFA or (5 x 1.0935 x 260) = 2579.55 AFA
TOTAL VOLUME - Groundwater only

☐ Incomplete on claim, the total is, Amount 5 CFS 1615.55 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:

2579 acres

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: _____

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

Delivery System Narrative: SEE CLAIM, INTERPID EXAM AND
ALLOCATION WOULD BE IN ALL.

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

E51[✓] COMBINED W/ 63-7123, Q LIMITED TO 5.79 CFS.
E05[✓] RT 63-7123 ALSO OBTAINED FROM POD
E55[✓] USE OF RT W/ 63-7123 LIMITED TO 350 AC.
E56[✓] PWA COMBINED - ALL RFS = 202 AC.
E62[✓] Q COMBINED W/ ALL RFS = 7.84 CFS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

5-20-05

FIELD EXAMINER:

ICTER: 5-20-05
Wick INSIC



State of Idaho
Idaho Department of Water Resources
Western Region

T5N R1E SECTIONS 25, 35 and 36

T5N R2E SECTION 30

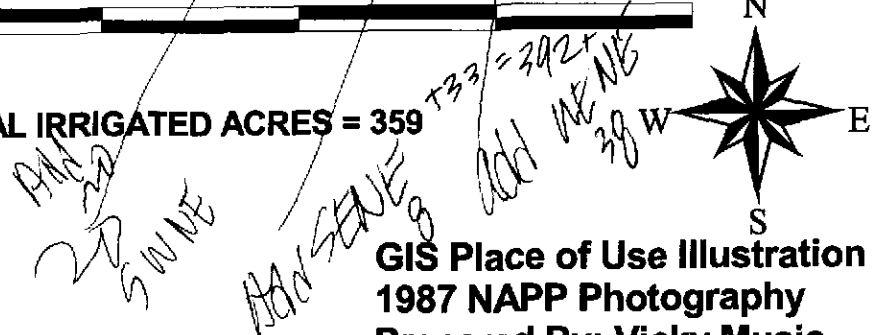
Water Right (s): 63-4086B



1320 0 1320 2640 3960 5280 Feet

TOTAL IRRIGATED ACRES = 359

- 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

05/19/2005

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

RIGHT NUMBER: 63-4086B

NAME AND ADDRESS: JULIUS JEKER
6598 DRY CREEK RD
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,615.500 AFY

diversion Use of this right with Right No. 63-7123 is limited to a total combined
rate of 5.79 cfs.

PRIORITY DATE: 07/20/1960

POINT OF DIVERSION:

T05N R01E S36 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
5.000 CFS
1,615.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S25	SWSW	5.0	T05N R01E S25	SESW	4.0
T05N R01E S25	SWSE	22.0	T05N R01E S25	SESE	31.0
T05N R01E S35	NENE	15.0	T05N R01E S35	NWNE	21.0
T05N R01E S35	SWNE	13.0	T05N R01E S35	SENE	13.0
T05N R01E S36	NENE	38.0	T05N R01E S36	NWNE	40.0
T05N R01E S36	SWNE	20.0	T05N R01E S36	SENE	8.0
T05N R01E S36	NENW	39.0	T05N R01E S36	NWNW	39.0
T05N R01E S36	SWNW	17.0	T05N R01E S36	SENW	11.0
T05N R02E S30	SWSW	23.0			

359 ACRES TOTAL

a Use of this right with the rights listed below is limited to the irrigation of
combined total of 359 acres in a single irrigation season. Combined Right
Nos.: 63-2535, 63-4023B, 63-7123 and 63-17455.

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 No. 63-7123 is also diverted through point of diversion described
above.

Water Right 63-4086B

~~Use of this rt w/ 7123 limited to 359 ac.~~
Use of rt w/ all rts limited to
irr of

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4086B

WATER RIGHT NUMBER: 63-4086B

Owner Type Name and Address
 Current Owner JULIUS JEKER
 6598 DRY CREEK RD
 BOISE, ID 83703
 (208)939-6235

Priority Date: 07/20/1960 ✓

Basis: Beneficial Use

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 3/15 to 11/15 5.000 CFS
 Total Diversion: 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

inc. in OK

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											5.0	4.0			22.0	31.0	62.0	✓ 4.5
05N	01E	35	✓	✓	✓	✓													62.0	✓ 2
05N	01E	36					✓	✓	✓	✓									212.0	2
05N	02E	30											23.0						23.0	+3

20.8

Total Acres: 359

1. General *OK* - PRIORITIES ARE 7/20/1960 OF 3.2 CFS & 5/15/1968 OF 1.8 CFS.
 BASED ON EXPIRED PERMIT 63-3179. SEE A63-07123.
 THE WATER LISTED AS POD ON WR A63-04086A IS WASTEWATER OR CREEK FLOW.
 DELETED 122 ACRES FROM NW1/4 OF SECTION 35 AND ADDED 3 ACRES TO SECTION
 30, SW1/4, SW1/4.
 ADDENDUM TO FILE-THERE IS ALSO AN ADDITIONAL 5 ACRES IN THE SW1/4,SW1/4 OF
 SECTION 25, T5N, R1E. L.W.-8/22/89 ADDRESS CHANGED PER CLAIMANT REQUEST.
 DB 5/12/99

[illegible]

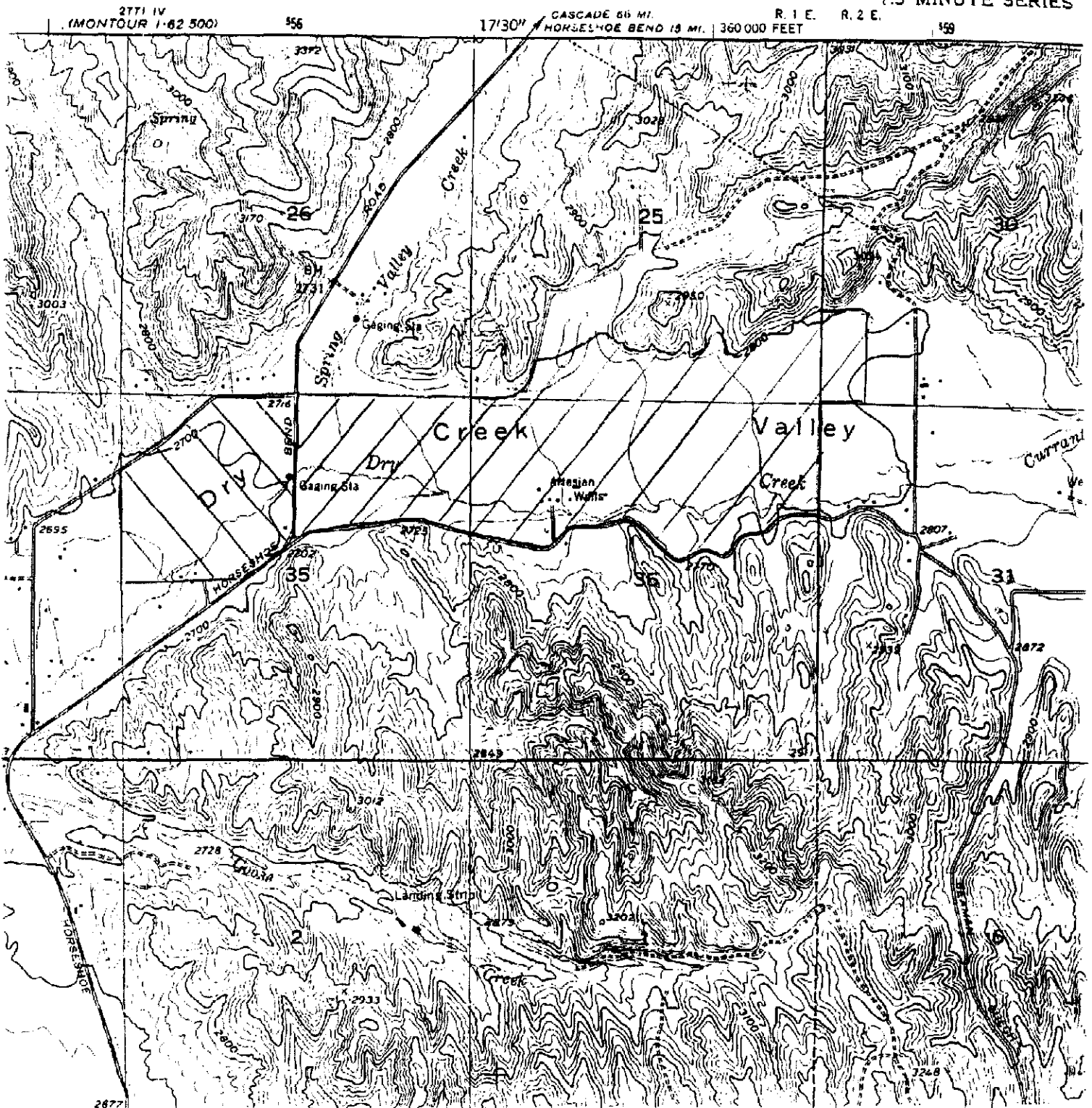
USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GW	7123	5N	1E	25												4			22	31	57	
				35	15	21	13	13													62	
				36	38	40	20	8	39	39	17	11									212	
		5N	2E	30											20						20	

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
DRY CREEK	17454	5N	1E	23																	26.5	26.5
		5N	1E	36	35.5																35.5	
		5N	2E	30											23						23	

USE / SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
GW	17455	5N	1E	35	5.5/11.6																17.1	

TSN
RIE

7.5 MINUTE SERIES



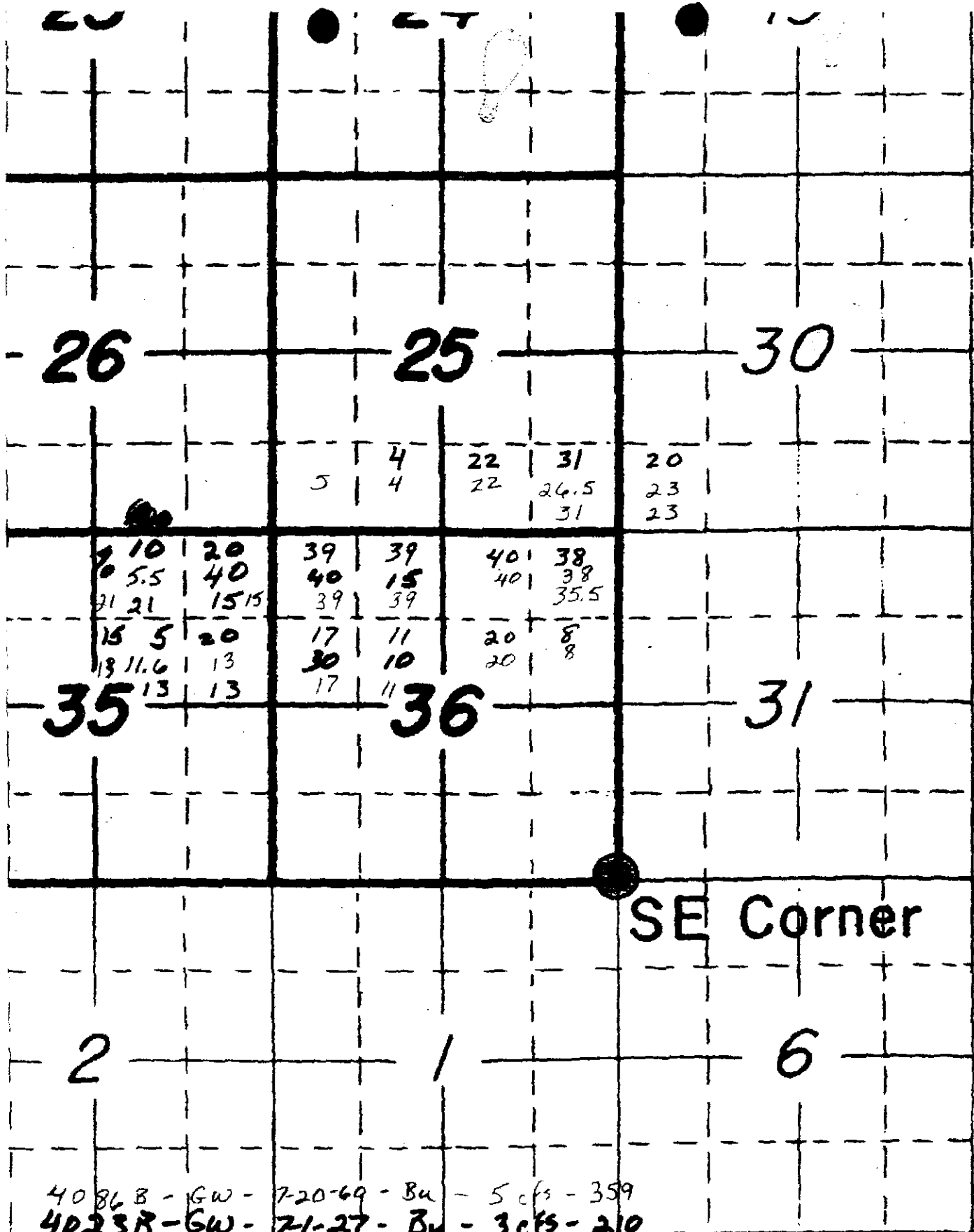
acres protected



acres not protected
(use surface water only)

MICROFILMED

FEB 03 2000



40868 - GW - 7-20-69 - Bu - 5 cfs - 359

40238 - GW - 7-1-27 - Bu - 3 cfs - 210

2535 - GW - 8-24-1937 - L - .7 - 35

17455 - GW - 5-20-1930 - Bu - .41 - 17.1

7123 - GW - 7-11-1968 - L - .79 - 351

17454 - DC - 3-20-1938 - Bu - 1.7 cfs - 85

License # 7123 473 ac - 5.79

.79 cfs



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1999

RE: Water Right No. 63-17451, 63-17452 & 63-17453

JULIUS JEKER
6598 DRY CREEK RD
BOISE ID 83703

Dear Property Owner:

Enclosed are copies of the above referenced water rights which reflect your change in address. 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.

Please note, the address has also been changed on claim numbers A63-02535, A63-04023B, A63-04086B, A63-07123, A63-17454 and A63-17455.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington
Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

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 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.

See A63-07123 for map

MICROFILMED

AUG 20 1992

Identification No. _____
Claim No. 63-4886
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:

<u>July 20, 1960</u>	amount:	<u>3.20</u>	c.f.s. or	_____ acre feet
<u>May 15, 1968</u>	amount:	<u>1.80</u>	c.f.s. or	_____ acre feet
_____	amount:	_____	c.f.s. or	_____ acre feet
Total claimed			<u>5.00</u>	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 <u>Irrigation</u>	period of use from <u>April 1</u>	to <u>October 31</u>	(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:

[illegible]

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. similar
incorporated as a part of this claim.

March 15, 1971
(Date)

(Signature of Claimant)

State of Idaho

County of Ada 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.

Notary Public residing at Boise, Idaho

My commission expires 3/1/75

For Department Use Only

Received by YJ Date 3-19-71

Exception filed by: _____

Forwarded to
claimant by:

Date

Prelim. check by YJ Date 3-19-71

63 4086

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

Approved for publication by _____

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

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

SNAKE RIVER BASIN ADJUDICATION - BASIN 63

RIGHT ID 63 4086 B
POD ID 170851
Quad Eagle 4
Claim Type Large
Easting 316526
Northing 295069
GPSID A0013242

Diversion Description

220' DEEP, 16" CS, 2 PUMPS. 2 pumps -- VT covered up
Other pump (Century) 40 HP -- Pressure Gauge broken

Assumptions

Pressure head.

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

a Photos\170851a.JPG a Photos\170851c.JPG a Photos\170851e.JPG
a Photos\170851b.JPG a Photos\170851d.JPG

EPE (ft)

16

Date (M/D/Y)

12/7/01

Time

13.40

Flow Rate (CFS)

0.73

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 40

Pressure Head (psi) 50

Elevation Head (ft) 220

Motor Mfg Century

Motor Serial #

Pump Type Centrifugal

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

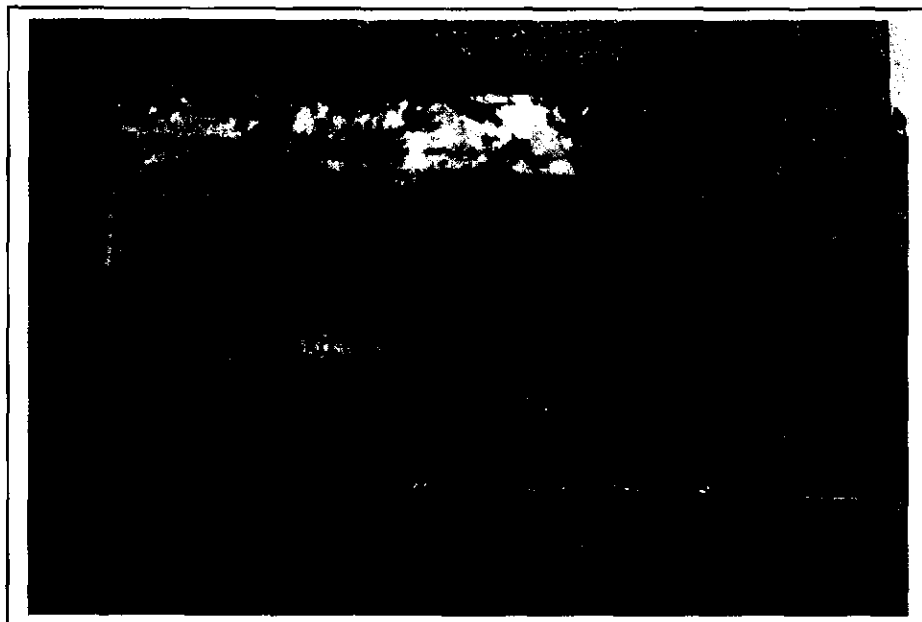
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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

RIGHT ID

63 4086 B





IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: A63-04086B

Date: 8-17-01

	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	25											5	4			22	31	62
GIS														4.4	19			24	33	80.4
Claim	5N	1E	35	15	21	13	13													62
GIS				40	40	18	15													113
Claim	5N	1E	36	38	40	20	8	39	39	17	11									212
GIS				40	41	26	13	41	41	22	15									239
Claim	5N	2E	30											23						23
GIS														23						23

Number of POD's 1

Total Claimed Acres: 359

Total GIS Acres: 455.4

Overlapping POU Claim #'s:

A63-07123, A63-02535, A63-04023B, A63-17455

COMMENTS:

map from A63-07123 not clear on which acres were A63-04086B.
not able to determine in q.s. S25 SESW, S35 NENE, S35 NWNE
which irrigated acres not to include, therefore I digitized all
irrigated acres.

POD location based on map found in A63-07123 license